

# THE NATIONAL ARCHIVES FEDERAL REGISTER OF THE UNITED STATES

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## TITLE 7—AGRICULTURE

### Subtitle A—Office of the Secretary of Agriculture

#### PART 9—PRICE SUPPORT OF AGRICULTURAL COMMODITIES

##### SUPPORT PRICE FOR HOGS

§ 9.1 *Support price for hogs.* In accordance with previously announced policy of establishing support prices for hogs on the basis of parity twice each year, the following schedule of weekly support prices for the six months' period October 1, 1948 through March 31, 1949, based on an annual coverage of \$17.02 per 100 pounds Chicago basis is announced:

Week ending:	Dollars per 100 lbs.
Oct. 9, 1948 <sup>1</sup> .....	17.25
Oct. 16, 1948.....	17.00
Oct. 23, 1948.....	16.75
Oct. 30, 1948.....	16.50
Nov. 6, 1948.....	16.25
Nov. 13, 1948.....	16.00
Nov. 20, 1948.....	15.75
Nov. 27, 1948.....	15.50
Dec. 4, 1948.....	15.25
Dec. 11, 1948.....	15.25
Dec. 18, 1948.....	15.25
Dec. 25, 1948.....	15.25
Jan. 1, 1949.....	15.50
Jan. 8, 1949.....	15.75
Jan. 15, 1949.....	16.00
Jan. 22, 1949.....	16.25
Jan. 29, 1949.....	16.50
Feb. 5, 1949.....	16.50
Feb. 12, 1949.....	16.50
Feb. 19, 1949.....	16.75
Feb. 26, 1949.....	17.00
Mar. 5, 1949.....	17.25
Mar. 12, 1949.....	17.50
Mar. 19, 1949.....	17.50
Mar. 26, 1949.....	17.50
Apr. 2, 1949.....	17.50

<sup>1</sup>Days of Oct. 1 and 2, 1948—\$17.50.

The foregoing schedule is in substitution for corresponding provisions relating to the level and period of support of hogs in the announcements heretofore made.

In the event that actual operations become necessary to support prices announced in the above schedule, announcement will be made of the method which will be adopted to support such prices. (Sec. 4a, 55 Stat. 498, as amended, Pub. Law 897, 80th Cong., 15 U. S. C. and Sup. 713a-8)

Done at Washington, D. C., this 3d day of December 1948.

[SEAL]      RALPH S. TRUCC,  
*Administrator, Production  
and Marketing Administration.*

[F. R. Doc. 48-10712; Filed, Dec. 8, 1948;  
8:48 a. m.]

## Chapter VIII—Production and Marketing Administration (Sugar Branch)

[General Sugar Quota Regs., Series 10, No. 1,  
Amdt. 8]

### PART 821—SUGAR QUOTAS

#### SUGAR QUOTAS FOR 1948

*Basis and purpose.* This amendment is issued pursuant to the Sugar Act of 1948 and is made for the purpose of prorating area deficits which are hereby determined. Section 204 (a) of the act provides that the Secretary shall from time to time determine whether any domestic area, the Republic of the Philippines, or Cuba will be unable to market its quota. If he so finds, the quotas for the domestic areas and Cuba shall be revised by prorating an amount of sugar equal to any deficit so determined to the other such areas on the basis of the quotas then in effect.

Since the Sugar Act provides that the quota for any domestic area, the Republic of the Philippines, Cuba, or other foreign countries as established under the provisions of section 202 shall not be reduced by reason of any determination of deficit, and makes the proration of such deficits a mere mathematical computation, it is hereby determined and found that compliance with the notice and procedure requirements of the Administrative Procedure Act is unnecessary. Furthermore, in order to afford shippers in affected countries an adequate opportunity to ship the additional sugar authorized by this amendment, and thereby protect the interest of consumers, it is essential that this amendment be made effective immediately. Therefore, it is hereby found and determined that compliance with the effective date requirements of the Administrative Procedure Act is impracticable

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and contrary to the public interest and the amendment herein shall become effective on the date of its publication in the FEDERAL REGISTER.

By virtue of the authority vested in the Secretary of Agriculture by the Sugar Act of 1948 (7 U. S. C., Supp. I, 1100) and the Administrative Procedure Act (60 Stat. 237) General Sugar Quota Regulations, Series 10, No. 1 (13 F. R. 133) as amended (13 F. R. 1303, 3109, 4009, 4660, 5015, 5205 and 6043) are hereby further amended by changing paragraphs (i) and (j) of § 821.5 to read as follows:

§ 821.5 *Determination and prorations of area deficits.* \* \* \*

(i) *Deficit in quota for domestic sugar beet area.* It is hereby determined, pursuant to subsection (a) of section 204 of the act, that for the calendar year 1948 the domestic beet sugar area will be unable by an amount of 160,000 short tons of sugar, raw value, to market the quota established for that area in § 821.3 and paragraph (b) of this section.

(j) *Proration of deficit in quota for the domestic beet sugar area.* An amount of sugar equal to the deficit determined in paragraph (i) of this section is hereby prorated, pursuant to subsection (a) of section 204 of the act, as follows:

Area:	Additional quotas in terms of short tons, raw value
Puerto Rico	41,320
Cuba	118,680

#### Statement of Bases and Considerations

*Area deficits—(1) Domestic beet sugar area.* Amendment 7 to General Sugar Quota Regulations, Series 10, No. 1, issued on October 11, 1948, declared a deficit for the domestic beet sugar area

of 100,000 tons on the basis that this area delivered only 71% of its total quota during the period January through September, 1948, whereas in the like period for 1935 to 1947 inclusive, beet sugar deliveries averaged 75.2% of calendar year total marketings. It was shown further that the marketing of 433,000 tons would be required in the fourth quarter to reach total deliveries amounting to 100,000 tons less than the original quota. This level had been exceeded by fourth quarter deliveries in only one year in the past thirteen. During the period January through October 1948, deliveries of beet sugar totaled 1,423,633 short tons, raw value. Continued distribution of beet sugar during the balance of 1948 at the rate prevailing during the first three weeks of November would result in distribution of only 204,000 tons in November-December. The average November-December distribution for the years 1935 through 1947 was 240,000 tons. Of an adjusted beet area quota of 1,687,738 short tons, 264,000 tons would remain to be distributed after November 1. This quantity has been exceeded for these months with one minor exception only in years in which the oncoming crop of beet sugar was much larger than that in prospect from 1948-crop beets. It is, therefore, improbable that the domestic beet sugar area will market more than 1,688,000 tons of sugar in the calendar year 1948. Since the original quota for the domestic beet sugar area, together with the proration of the first deficit in the quota for Hawaii determined in Gen-

eral Sugar Quota Regulations, Series 10, No. 1 (13 F. R. 133) amounts to 1,847,738 short tons of sugar, raw value, it has been determined that the domestic sugar beet area will be unable to market 160,000 short tons of sugar, raw value, of its quota established by such regulations. Therefore, 160,000 short tons of sugar, raw value, have been prorated under section 204 of the act to Puerto Rico, the only domestic producing area able to market in excess of its existing quota, and to Cuba.

**Exclusion of domestic areas from prorations.** (1) Since under General Sugar Quota Regulations, Series 10, No. 1, and amendments thereto quota deficits have already been declared for the domestic sugar producing areas of Hawaii and the Mainland Cane Sugar Area, these areas are excluded from the proration of the deficit herein established.

(2) Virgin Islands: Current estimates of production show that the Virgin Islands will be unable to market more than their current quota of 6,159 short tons of sugar, raw value, in the calendar year 1948, and, therefore, this area is excluded from the proration of the deficit herein established.

After giving effect to the changes set forth in General Sugar Regulations, Series 10, No. 1, and Amendments 1 to 8 thereto, the current sugar quotas, in terms of short tons, raw value, for the several domestic sugar producing areas, Cuba, the Republic of the Philippines, and "Other Foreign Countries" are as follows:

BASIC QUOTAS, PRORATIONS OF DEFICITS AND ADJUSTED QUOTAS FOR 1948

(Short tons, raw value)

Production area	Basic quotas <sup>1</sup>	Proration of deficits in quotas					Adjusted quotas
		First and second Hawaiian	First and second Philippine	Mainland cane	First domestic beet	Second domestic beet	
Domestic beet.....	1,800,000	47,738	-----	-----	(100,000)	(60,000)	1,637,738
Mainland cane.....	500,000	13,250	-----	(100,000)	-----	-----	413,250
Hawaii.....	1,052,000	(227,000)	-----	-----	-----	-----	825,000
Puerto Rico.....	910,000	44,835	-----	27,601	25,825	15,495	1,023,756
Virgin Islands.....	6,600	159	-----	-----	-----	-----	6,759
Philippines.....	982,000	-----	(742,000)	-----	-----	-----	240,000
Cuba.....	1,923,450	121,068	704,000	72,000	74,175	44,665	2,845,298
<i>Other foreign countries</i>							
Dominican Republic.....	4,736.0	-----	10,494.8	-----	-----	-----	15,230.8
Republic of Haiti.....	654.5	-----	1,259.4	-----	-----	-----	1,913.9
Mexico.....	4,283.9	-----	4,067.5	-----	-----	-----	8,351.4
Nicaragua.....	2,122.5	-----	-----	-----	-----	-----	2,122.5
Peru.....	7,893.3	-----	17,491.4	-----	-----	-----	25,384.7
Salvador.....	5,829.8	-----	1,776.0	-----	-----	-----	7,605.8
Unallotted.....	1,000.0	-----	2,000.0	-----	-----	-----	3,000.0
Sub-total.....	28,520.0	-----	37,160.0	-----	-----	-----	65,680.0
Total.....	7,200,000	-----	-----	-----	-----	-----	7,200,000

<sup>1</sup> Figures for "Other foreign countries" represent adjusted basic prorations. However, by reason of sec. 204 (c) of the act, each individual country retains its basic proration in effect on Sept. 1.

(Secs. 204, 403, 61 Stat. 925, 932; 7 U. S. C. Sup. 1114, 1153)

Done at Washington, D. C., this 3d day of December 1948. Witness my hand and the seal of the Department of Agriculture.

[SEAL]

I. W. DUGGAN,  
Acting Secretary.

[F. R. Doc. 48-10713; Filed, Dec. 8, 1948; 8:48 a. m.]

## TITLE 15—COMMERCE

## Chapter III—Bureau of Foreign and Domestic Commerce, Department of Commerce

## PART 300—CHINA TRADE ACT REGULATIONS

## PART 301—CHINA TRADE ACT FORMS

## PART 363—CHINA TRADE ACT REGULATIONS

## REDESIGNATION AND REVISION OF REGULATIONS

Part 301 is deleted. Part 300 is redesignated Part 363 and is amended to read as follows:

## PART 363—CHINA TRADE ACT REGULATIONS

- Sec.
- 363.1 Authority and effective date.
- 363.2 Definitions.
- 363.3 Articles of incorporation.
- 363.4 Holding shares of stock in other corporations prohibited.
- 363.5 Application for certificate of incorporation.
- 363.6 Certificate of property value.
- 363.7 Certificate of amendment to articles of incorporation.
- 363.8 Certificate of authorization for voluntary dissolution.
- 363.9 Certificate of authorization for extension.
- 363.10 Documents of stockholders' meeting to be filed.
- 363.11 Fees.
- 363.12 Accredited agent.
- 363.13 Appeal from decision of registrar.
- 363.14 Inspection of records.
- 363.15 Citizenship of incorporators, directors, or officers.
- 363.16 Annual report.
- 363.17 Filing documents.
- 363.18 Statement to be filed before certificate is delivered.
- 363.19 Forms.

**AUTHORITY:** §§ 363.1 to 363.19 issued under sec. 17 (a), 42 Stat. 854; 15 U. S. C. 157 (a) apply to secs. 1-28, 42 Stat. 842-856, secs. 1-13, 43 Stat. 895-897; 15 U. S. C. 141-162.

§ 363.1 **Authority and effective date.** Whereas the Secretary of Commerce is authorized by the China Trade Act of 1922, as amended, to make such regulations as may be necessary to carry into effect the functions vested in him or in the Registrar by said act, the regulations in this part are hereby approved and adopted and shall become effective July 1, 1935.

§ 363.2 **Definitions.** When used in this part, unless the context otherwise indicates,

(a) The term "Secretary" means the Secretary of Commerce;

(b) The term "Registrar" means the Registrar of the China Trade Act; and

(c) The term "corporation" means a corporation organized under the provisions of the China Trade Act (42 Stat. 849, 43 Stat. 935; 15 U. S. C. 141-162).

§ 363.3 **Articles of incorporation.** (a) Articles of incorporation shall be filed in quintuplicate (accompanied by Application Form No. 1, in duplicate) with the Secretary of Commerce at Washington, D. C., direct, when emanating within the United States, or with the Registrar for transmission to the Secretary when emanating within China.

(b) The original articles of incorporation shall be signed and acknowledged by all of the incorporators.

(c) The articles of incorporation shall state the names, addresses, and nationalities of the incorporators; the particular business in which the corporation is to engage so as to clearly show how the corporation will aid in developing markets in China for goods produced in the United States; and otherwise conform to the requirements of section 4 (b) subheadings (1) to (7) inclusive, of the China Trade Act<sup>1</sup> (42 Stat. 850, 43 Stat. 995; 15 U. S. C. 144)

(d) Said articles shall also state the name and address of the corporation's accredited agent, who shall reside within the District of Columbia. Any successor to said agent shall be appointed as provided for by § 363.12, without amendment to Articles of Incorporation (see sec. 20 (b) of the act (43 Stat. 996; 15 U. S. C. 160))

§ 363.4 *Holding shares of stock in other corporations prohibited.* No corporation formed under the provisions of the China Trade Act shall purchase or acquire, either directly or indirectly, for investment purposes, shares of stock of any corporation engaged in any activity prohibited by section 4 (c) of the act (43 Stat. 995; U. S. C. 144 (c))

§ 363.5 *Application for certificate of incorporation.* Persons desiring to incorporate under the provisions of the China Trade Act shall make application, in duplicate, for a certificate of incorporation.

§ 363.6 *Certificate of property value.* (a) Each certificate of property value shall be filed in duplicate by the corporation with the Registrar or the Secretary as the case may be.

(b) There shall be filed with each such certificate a statement in duplicate by the owner of any property to be received by the corporation in payment for its stock, showing the date he purchased the same, the price paid therefor, and the amount, if any, for any lien, mortgage, or other encumbrance against said property at the time it is placed in the custody of the directors as provided for by section 4 (b) of the act (43 Stat. 995; 15 U. S. C. 144 (b))

(c) There shall be filed, in duplicate, with the certificate of property value, a statement under oath of two disinterested persons acceptable to the Registrar or Secretary, as the case may be.

§ 363.7 *Certificate of amendment to articles of incorporation.* (a) The certificate of amendment to articles of incorporation shall be signed by the president, or other authorized officer, and attested by the secretary of the corporation, and filed in quintuplicate with the Secretary or with the Registrar for transmission to the Secretary.

(b) When a certificate of amendment to articles of incorporation is for the purpose of increasing the capital stock

of said corporation, a duly authorized officer thereof shall file with said certificate, in duplicate, a certified statement to the effect that 25 per centum of the increased capital stock has been subscribed to in good faith: *Provided*, That no certificate, authorizing the increase of capital stock, shall be delivered to a corporation unless there is filed with the Registrar or the Secretary, as the case may be, a statement under oath, in duplicate, by an authorized officer of the corporation that 25 percent of said increased capital stock has been paid in, in cash, or in real or personal property, as provided for by section 8 of the act (42 Stat. 851, 15 U. S. C. 148)

§ 363.8 *Certificate of authorization for voluntary dissolution.* (a) The certificate of authorization for voluntary dissolution shall be signed by the president or other authorized officer and attested by the secretary of the corporation and filed, in quintuplicate, with the Secretary or with the Registrar for transmission to the Secretary.

(b) Before any such corporation shall be deemed voluntarily dissolved under the provisions of section 10 (c) of the China Trade Act (42 Stat. 852; 15 U. S. C. 150) there shall be issued by the Secretary a certificate to the effect that such corporation has conformed to the requirements of said act.

§ 363.9 *Certificate of authorization for extension.* The certificate of authorization for extension shall be signed by the president or other authorized officer and attested by the secretary of the corporation and filed, in quintuplicate, with the Secretary or with the Registrar for transmission to the Secretary.

§ 363.10 *Documents of stockholders' meeting to be filed.* When a stockholders' meeting is held for any of the purposes stated in section 10 (b) of the act (42 Stat. 852; 15 U. S. C. 150) or for any other purpose, the following documents shall be filed with the Registrar or Secretary, as the case may be (unless made a part of the minutes as hereinafter provided) and shall be signed and certified by a duly authorized officer of the corporation:

(a) Two copies of the minutes of any such meeting, which shall set forth in detail the action taken or business transacted. Said minutes shall also show that notice of call (unless waived) was delivered or mailed to each stockholder of record and the date thereof. In lieu of filing two certified copies of said notice the same may be incorporated, verbatim, in the minutes.

(b) Notice of call of a stockholders' meeting may be waived by the stockholders filing with a proper officer of the corporation waivers of said notice in writing, signed by all of said stockholders of record. When notice is so waived the secretary of the corporation or other authorized officer thereof, may file his certificate, in duplicate, to the effect that waivers of notice of the particular meeting have been signed by all said stockholders and filed with such officer. Such certificate shall be accepted in lieu of certified copies of waivers filed by said stockholders with the corporation.

(c) When any share of stock is voted by proxy, the secretary or other authorized officer of the corporation may file his certificate, in duplicate, showing the total number of shares voted by proxy at any such meeting, the name and address of each stockholder represented by proxy, the name and address of each proxy voting at such meeting, the number of shares voted by each said proxy, and that the proxies so voted were authorized by an instrument in writing signed and filed by each said stockholder with the corporation. Said certificate shall be accepted in lieu of certified copies of proxies filed with the corporation.

(d) List in duplicate of current officers and directors of said corporation, stating the name, residence, and nationality of each.

(e) Statement in duplicate that all shares of stock voted at any such meeting were fully paid.

*Provided*, That such statements (referred to in (d) and (e)) need not be filed if the information required is incorporated in the minutes.

§ 363.11 *Fees.* (a) The following fees are prescribed and shall be payable upon the filing by the corporation of any of the following documents:

Incorporation fee (as provided for by section 5 of the Act).....	\$100.00 U.S.
Certificate of Amendment of Articles of Incorporation.....	25.00 U.S.
Certificate of Property Value (minimum) (fee based on value of property and nature of investigation made).....	25.00 U.S.

(b) All fees shall be in form of draft payable to the Treasurer of the United States of America.

§ 363.12 *Accredited agent.* (a) Articles of incorporation of a China Trade Act corporation shall state the name and address of its accredited agent, who shall reside within the District of Columbia. Power of attorney appointing said agent shall be certified by the incorporators and filed in duplicate with the Secretary or the Registrar, as the case may be, at the time of filing application for certificate of incorporation. Before issuance of said certificate a letter of consent to act shall be certified by said agent and filed with the Registrar or Secretary, as the case may be, in duplicate.

(b) No corporation shall remove, or accept the resignation of, its accredited agent until a successor has been appointed and a certified copy of said appointment and written consent of such successor to act has been filed in duplicate; except that in the event of the death of such agent the corporation shall, within 30 days after notice thereof, appoint a successor in the manner above set forth.

§ 363.13 *Appeal from decision of Registrar.* (a) An appeal to the Secretary may be taken from any decision or action of the Registrar within 6 months thereafter provided that time for filing an appeal may be extended at the discretion of the Secretary.

(b) The person taking an appeal shall first submit to the Registrar a written statement setting forth, in full, the al-

<sup>1</sup> Public Law 738, 75th Cong., approved June 25, 1938 (52 Stat. 1195; 15 U. S. C. 144), amending the China Trade Act, 1922, authorizes either a limited or perpetual existence for such corporations.

leged facts upon which the appeal is based; which when certified to by the Registrar as a true, full, and correct statement of such facts, shall be transmitted to the Secretary with a statement in writing from the Registrar setting forth his decision, or action, from which the appeal is taken.

(c) If the Registrar refuses to certify, as provided for above, the person aggrieved may submit his aforementioned statement to the Secretary. *Provided*, That a copy of such statement shall first be filed with the Registrar, and the Registrar shall transmit, to the Secretary, a statement of his decision or action and his reasons for refusing to so certify.

(d) The Secretary, as soon as practicable, shall render his decision to the person taking the appeal and to the Registrar.

§ 363.14 *Inspection of records.* Any person desiring to inspect the records of a China Trade Act corporation on file with the Registrar or the Secretary, shall submit his application to the Secretary or the Registrar, as the case may be.

§ 363.15 *Citizenship of incorporators, directors, or officers.* Whenever an incorporator, a director, or officer of a China Trade Act corporation, resident in China, is a naturalized American citizen, he shall set forth in writing and file with the Registrar the name and place of the diplomatic or consular office where he is registered as a naturalized American citizen, and such registration shall be verified by the Registrar, by obtaining a written statement from said diplomatic or consular office that such person has a valid current registration.

§ 363.16 *Annual report.* The fiscal year of a China Trade Act corporation shall end December 31, and on or before March 15 of each succeeding year such corporation shall file with the Registrar a report of its business for said fiscal year showing the financial condition of the corporation at the close of said year: *Provided*, That an extension of time in which to file said report may, in the discretion of the Registrar be obtained if requested in writing prior to said March 15; *Provided further* That in all cases the time for filing said report for any year beginning after December 31, 1940, is extended until the fifteenth day of the sixth month following the month in which the present war with Germany, Italy, and Japan is terminated, as proclaimed by the President, or to such other extended date as the Registrar or the Secretary of Commerce shall set. (42 Stat. 853, 854; 15 U. S. C. 152, 157) Any corporation engaged in business for a period of less than 1 year, or any corporation which is in process of dissolution or liquidation, shall file an annual report as herein prescribed, for such period as it is operated as a China Trade Act corporation. The annual report shall be adopted at a meeting of the stockholders or directors, in accordance with the articles of incorporation or the bylaws of such corporation and shall consist of the following documents which shall be affixed to and made a part of Form 8 (said form shall be signed and sworn to

under oath by the Secretary of the corporation in the manner therein provided)

(a) Minutes of meeting, in duplicate, which shall show, in addition to other business transacted, the adoption of audited balance sheet and statement of profit and loss for said fiscal year. In lieu of filing, in duplicate, notice of call, said notice may be incorporated in the minutes as provided for by § 363.10 (a). When notice of call of meeting is waived or any votes are voted by proxy at said meeting an authorized officer of the corporation shall certify to any such waiver or proxy in the manner prescribed by § 363.10.

(b) Two copies of balance sheet and two copies of statement of profit and loss for said fiscal year, audited and certified by an accredited public accountant.

(c) Whenever the articles of incorporation or bylaws of a corporation provide for the adoption of the annual report by the stockholders, there shall be filed, in duplicate, and affixed to Form 8, a statement by an authorized officer of the corporation showing that all shares of stock voted were fully paid: *Provided*, That when such information is incorporated in the minutes said statement need not be filed.

(d) There shall be affixed to said Form 8, a statement, in duplicate, setting forth the names, addresses, and nationalities of all stockholders of the corporation on the last day of the fiscal year ending December 31, including number of shares and classes of stock held by each: *Provided*, That such information may be incorporated in the minutes of said meeting.

Whenever a special tax-saving dividend is declared there shall also be filed by the corporation, in duplicate, a certificate of distribution of special dividend.

(e) Statement, in duplicate, setting forth the names, residences, and nationalities of directors and officers elected for the ensuing year, provided that such information may be set forth in the minutes of said meeting in lieu of filing said statement: *Provided*, That when such directors and officers are elected subsequently to the adoption of the annual report, the corporation shall file such statements, in duplicate, with the Registrar immediately upon the election of said directors and officers. Such statements shall be certified to by the secretary of the corporation.

§ 363.17 *Filing documents—(a) Documents to be transmitted to Secretary by Registrar.* When application is made in China for certificate of incorporation, the Registrar shall transmit the following documents to the Secretary: (1) Original application; (2) the original articles of incorporation and two copies. When the certificate of incorporation is issued, the original shall be filed with the Secretary and two copies of certificate certified by the Secretary, with said copies of articles attached, shall be returned to the Registrar for his files and transmission to the corporation. Two additional copies of the certificate of incorporation shall be forwarded to the Registrar, who shall affix to each said certificate a copy of articles of incorpo-

ration retained by the Registrar. The Registrar shall certify and transmit the two sets as follows: one to the American Legation and one to the consular officer for the district where the central office or place of business of the corporation is located in China.

When the application is filed by the corporation with the Registrar for certificate of amendment of articles of incorporation, certificate of authorization for voluntary dissolution, or certificate for extension, the original of each said document and two copies shall be transmitted to the Secretary. When certified by him, the original shall be filed with the Secretary and the copies, duly certified, shall be returned to the Registrar for his files and for transmission to the corporation. The Registrar shall certify the two copies retained by him and transmit the same as follows: one to the American Legation and one to the consular officer as provided above.

One copy of all other papers filed with the Registrar shall be certified by him and transmitted to the Secretary.

(b) *Documents to be transmitted to Registrar, when filed with Secretary direct.* When application is made in the United States for certificate of incorporation, certificate of amendment of articles of incorporation, certificate of authorization for voluntary dissolution, or certificate for extension, the following documents shall be transmitted to the Registrar upon the issuance by the Secretary of any such certificate:

(1) One copy of application, for Registrar's files,

(2) Four copies of certificate of incorporation, with copies of articles of incorporation attached,

(3) Four copies of certificate of amendments of articles of incorporation,

(4) Four copies of certificate of authorization for voluntary dissolution,

(5) Four copies of certificate authorizing extension.

The original of each of the foregoing certificates shall be filed with the Secretary, and two copies thereof certified by the Secretary shall be forwarded to the Registrar for his files and for transmission to the corporation. The remaining copies shall be transmitted to the Registrar for the following disposition: one to the American Legation and one to the aforesaid consular officer.

One copy of all other papers filed with the Secretary direct shall be transmitted to the Registrar.

§ 363.18 *Statement to be filed before certificate is delivered.* No certificate of incorporation shall be delivered to a China Trade Act corporation until it has filed a statement, under oath, with the Registrar to the effect that at least 25 per centum of its authorized capital stock has been paid in.

§ 363.19 *Forms.* The Department of Commerce, upon request, will furnish forms for the material required to be filed under this part. The material filed must, in form and substance, correspond with the said forms, which are as follows:

Form 1 Application for Certificate of Incorporation.  
Form 2 Certification of Incorporation.

## RULES AND REGULATIONS

- Form 3 Certificate of Amendment to Articles of Incorporation.  
 Form 4 Certificate of Authorization for Voluntary Dissolution.  
 Form 5 Certificate of Authorization for Extension.  
 Form 6 Certificate of Property Value.  
 Form 7 Certificate of Property Value by Disinterested Persons.  
 Form 8 Annual Report.  
 Form 9 Certificate of Distribution of Special Dividend.  
 Form 10 Application for Inspection of Records.

CHARLES SAWYER,  
*Secretary of Commerce.*

[F. R. Doc. 48-10665; Filed, Dec. 8, 1948;  
 8:45 a. m.]

## TITLE 20—EMPLOYEES' BENEFITS

### Chapter III—Social Security Administration (Old-Age and Survivors Insurance), Federal Security Agency

#### PART 421—STATEMENT OF ORGANIZATION

#### PART 422—STATEMENT OF PROCEDURE

#### DISCONTINUANCE OF CODIFICATION

Codification of Part 421 and Appendix A of Part 422 of this Title 20, Chapter III, Code of Federal Regulations, is hereby discontinued.

Future amendments to descriptions of organization, procedures, and functions will appear in the Notices section of the FEDERAL REGISTER. The former sections in these parts listed below will be numbered as follows:

Old section numbers	New section numbers
421.1	501
421.6	551
Appendix A	503

(Sec. 205 (a) 53 Stat. 1368, sec. 1102, 49 Stat. 647; 42 U. S. C. 405 (a) 1302; sec. 4, Reorg. Plan No. 2 of 1946, 60 Stat. 1095; 45 CFR, 1946 Supp., 1.21)

[SEAL] A. J. ALTMAYER,  
*Commissioner for Social Security.*

Approved: December 2, 1948.

OSCAR R. EWING,  
*Federal Security Administrator*

[F. R. Doc. 48-10666; Filed, Dec. 7, 1948;  
 8:51 a. m.]

## TITLE 22—FOREIGN RELATIONS

### Chapter I—Department of State

#### PART 53—CONTROL OF PERSONS ENTERING AND LEAVING THE UNITED STATES IN WARTIME

#### RENUMBERING OF CERTAIN SECTIONS

EDITORIAL NOTE: In order to conform Part 53 of Title 22 to the scope and style of the Code of Federal Regulations, 1949 Edition, as prescribed by the regulations of the Administrative Committee of the Federal Register and approved by the President effective October 12, 1948 (13 F. R. 5929) the following editorial changes are made, effective upon publication in the FEDERAL REGISTER:

1. Sections 53.2-53.11 are renumbered §§ 53.1-53.9.

2. In § 53.2, as so renumbered, paragraphs (e)-(g) are redesignated (d)-(f)

### Chapter II—Commissions, Boards, Institutes, and Foundations

#### Subchapter D—Medal for Merit Board

#### PART 800—REGULATIONS GOVERNING THE MEDAL FOR MERIT

#### REVOCATION OF PART

Part 800, Regulations Governing the Medal for Merit, is hereby revoked.

R. B. KEECH,  
*Secretary.*

[F. R. Doc. 48-10739; Filed, Dec. 8, 1948;  
 8:53 a. m.]

#### PART 801—REGULATIONS GOVERNING THE PRESIDENT'S CERTIFICATE OF MERIT

#### DISCONTINUANCE OF CODIFICATION

EDITORIAL NOTE: Codification of Part 801, Regulations Governing the President's Certificate of Merit, is discontinued.

With the revocation of Part 800, *supra*, and the discontinuance of codification of Part 801, Subchapter D, of Chapter II, of Title 22 is vacated.

## TITLE 34—NATIONAL MILITARY ESTABLISHMENT

### Chapter VII—Department of the Air Force

#### Subchapter F—Organized Reserves

#### PART 862—AIR RESERVE OFFICERS' TRAINING CORPS

#### ADMINISTRATION AND TRAINING

- Sec.  
 862.1 Establishment.  
 862.2 Conditions for establishment of units.  
 862.3 Application for establishment.  
 862.4 Withdrawal of authority for establishment of a unit.  
 862.5 Land-grant institutions.  
 862.6 Supervision.  
 862.7 Control.  
 862.8 Status of officers on Air Reserve Officers' Training Corps duty.  
 862.9 Channels of communication.  
 862.10 Eligibility to membership.  
 862.11 Physical requirements.  
 862.12 Training of students ineligible for enrollment.  
 862.13 Membership in the National Guard.  
 862.14 Members of faculty.  
 862.15 Discharge and withdrawal of members.  
 862.16 Credit for Air Reserve Officers' Training Corps training.  
 862.17 Training.  
 862.18 Distinguished military student.  
 862.19 Distinguished military graduates.  
 862.20 Uniforms and insignia.  
 862.21 Appointment in the United States Air Force Reserve.  
 862.22 Appointment in the Regular Air Force.  
 862.23 Form of application for establishment of Air Reserve Officers' Training Corps units.  
 862.24 Inclosures (to be attached to application for an Air Reserve Officers' Training Corps unit).  
 862.25 Transmittal of application.

#### TRAINING CAMPS

- Sec.  
 862.50 Objective.  
 862.51 Time and duration.  
 862.52 Attendance.  
 862.53 Deferred attendance.  
 862.54 Attendance at camp of arm or service other than that in which enrolled.  
 862.55 Absence from camp.  
 862.56 Physical examination.  
 862.57 Immunizations.  
 862.58 Medical and hospital treatment.  
 862.59 Dismissal and withdrawal from camp.  
 862.60 Training procedures.  
 862.61 Responsibility for Government property.  
 862.62 Dress uniforms.  
 862.63 Sale of Government property.  
 862.64 Transportation.  
 862.65 Pay.  
 862.66 Laundry and dry cleaning service.

AUTHORITY: §§ 862.1 to 862.25 issued under 39 Stat. 191-192, 853; 41 Stat. 776-778; 45 Stat. 501; 59 Stat. 235; secs. 207 (f), 208 (e); 61 Stat. 502, 503; 10 U. S. C. 354, 381-383, 385-388, 5 U. S. C. Sup. 626, 626c; Transfer Order 10, April 27, 1948, 13 F. R. 2428.

#### ADMINISTRATION AND TRAINING

§ 862.1 *Establishment.* The Air Reserve Officers' Training Corps consists of such units as may be organized at approved colleges and universities granting degrees, including State universities and those State institutions that are required to provide instruction in military tactics under the act of Congress, approved July 2, 1862 (12 Stat. 503; 7 U. S. C. 301-308) and those essentially military schools, not conferring academic degrees, specially designated by the Secretary of the Air Force as qualified. Institutions as which units are, or shall be, established are classified as follows:

(a) *Class MC.* Military colleges and universities which grant degrees, which graduate students at an average age of not less than 21 years, which require all students to pursue military training throughout the course and to be habitually in uniform, which constantly maintain military discipline, and which have as objectives the development of the student by means of military training and regulation of his conduct in accordance with disciplinary principles.

(b) *Class CC.* Civil colleges and universities which are not essentially military, but which grant degrees and graduate students at an average age of not less than 21 years.

§ 862.2 *Conditions for establishment of units.* (a) Before a unit of the Air Reserve Officers' Training Corps may be established at an institution, there must be insured to the unit an enrollment of at least 100 physically fit male students who are citizens of the United States and not less than 14 years of age.

(b) No unit of the Air Reserve Officers' Training Corps will be established at an institution until the institutional authorities agree to the requirements specified in the form for application, and no such unit will be maintained at any institution the authorities of which fail or neglect to comply with these requirements or to adopt into the institutional curriculum the courses of military training prescribed by the Secretary of the Air Force.



(c) No unit of the Air Reserve Officers' Training Corps will be established or maintained at an institution until and unless an officer of the Regular Air Force is detailed as professor of military science and tactics thereat.

§ 862.3 *Application for establishment.* An educational institution desiring to have established thereat one or more units of the Air Reserve Officers' Training Corps must make application upon the prescribed form to the commanding general of the Air Force area in which the institution is situated. (See §§ 862.23 to 862.25)

§ 862.4 *Withdrawal of authority for establishment of a unit.* An institution desiring to withdraw from the Air Reserve Officers' Training Corps will so state in writing to the Air Force area commander at least three months prior to the date the withdrawal is to take effect. The Department of the Air Force may withdraw authority for the establishment of any unit at any time that the enrollment in a unit falls below the minimum enrollment required by law, or should be considered that its work as part of the Air Reserve Officers' Training Corps is not compatible with the objects for which the corps is established.

§ 862.5 *Land-grant institutions.* The obligations to provide military instruction imposed on land-grant institutions by the act of July 2, 1862 (12 Stat. 503; 7 U. S. C. 301-308) are not altered by the National Defense Act, as amended, nor by the regulations in this part.

§ 862.6 *Supervision.* The supervisory powers of the Department of the Air Force over the Air Reserve Officers' Training Corps are delegated to the Commander of the Air Defense Command in all matters except those which have been expressly reserved to the Department of the Air Force in these and other regulations. The commander of the Air Defense Command supervises the program through his air force commanders who are his immediate representatives in all relations with educational institutions maintaining Air Reserve Officers' Training Corps units. They are charged with promoting the development of the Air Reserve Officers' Training Corps units of their areas within the limits of their powers and pursuant to prescribed policies and instructions. They will confer with heads of institutions on matters relating to the conduct of units established thereat, and to measures for their increased efficiency. They are responsible that the requirements of law and regulations relating to the Air Reserve Officers' Training Corps are effectively carried out.

§ 862.7 *Control.* The control of the operation of Air Reserve Officers' Training Corps units at institutions is vested in the institutional authorities. Civilian heads of institutions exercise the same general control over the department of military science and tactics that they ordinarily exercise over other departments of the institution.

§ 862.8 *Status of officers on Air Reserve Officers' Training Corps duty.* In

their strictly military capacity officers on Air Reserve Officers' Training Corps duty are subordinates of the Air Force area commander and are subject to his orders. Such orders will not infringe upon the province of institutional regulations. In their academic capacity these officers are subject to institutional regulations. The professor of military science and tactics is responsible that the proper institutional authorities are advised as to the provisions of law and regulations in all matters affecting the conduct of the Air Reserve Officers' Training Corps units maintained by the institution.

§ 862.9 *Channels of communication.* Communications for the Department of the Air Force relative to the Air Reserve Officers' Training Corps should be addressed to the Department of the Air Force and should be forwarded through the Air Force area commander concerned and the Commanding General, Air Defense Command.

§ 862.10 *Eligibility to membership.* (a) Eligibility to membership in the Air Reserve Officers' Training Corps is limited to students at institutions in which units of such corps may be established, who are citizens of the United States, who are not less than 14 years of age, and whose bodily condition is such as to meet physical requirements specified herein. Enrollment of students who have reached their twenty-seventh birthday will not be made in the Air Reserve Officers' Training Corps. No member of the active personnel of the Air Force, Army, Navy or Marine Corps of the United States, nor any commissioned officer of the National Guard or Naval Militia, nor Reserve officer of the military forces of the United States is eligible for membership in the Air Reserve Officers' Training Corps. The fact that an applicant is a member of the Regular Air Force Reserve does not make him ineligible for enrollment providing he is otherwise qualified.

(b) A student holding a certification for appointment as an Air Force or Army reserve officer or a student formerly commissioned in the Air Force or Army Officers' Reserve Corps may not be enrolled in the Air Reserve Officers' Training Corps without the express authority of the Air Force area commander in each case.

(c) A student will not be enrolled in the Air Reserve Officers' Training Corps, nor will there be issued to him a Government uniform or commutation therefor, until and unless he meets all the prescribed requirements and has been selected by proper authority to pursue the Air Reserve Officers' Training Corps course. (See § 862.12.)

§ 862.11 *Physical requirements.* The law regarding physical fitness of applicants for membership in the Air Reserve Officers' Training Corps requires that students must be "physically fit to perform military duty, or will be so upon arrival at military age" In order that this law may be carried out, each applicant is required to undergo certain physical examinations and to meet certain physical standards, as a prerequisite for enrollment and continuance in the Air Reserve Officers' Training Corps. Fur-

thermore, each member of an Air Reserve Officers' Training Corps unit should keep himself physically fit in order that he may meet the physical requirements for commission in the United States Air Force Reserve upon completion of his training in the Air Reserve Officers' Training Corps.

§ 862.12 *Training of students ineligible for enrollment.* When desired by institutional authorities, students who are citizens of the United States and who for any reason cannot be enrolled in the Air Reserve Officers' Training Corps may be permitted to pursue the Air Reserve Officers' Training Corps course without expense to the Government. Such students should not be included in enrollment reports nor in the enrollment allotment, and cannot be issued Government uniforms or commutation therefor, but may use the arms and equipment issued to the institution.

§ 862.13 *Membership in the National Guard.* Students enrolled in the Air Reserve Officers' Training Corps are not eligible to continue as members thereof if commissioned in the National Guard. Such students may, however, pursue the course or parts thereof, without being regularly enrolled in the Air Reserve Officers' Training Corps.

A student enrolled in the advanced course will not be discharged from the Air Reserve Officers' Training Corps prior to graduation therefrom to accept a commission in the National Guard nor be excused from his contracted attendance at an Air Reserve Officers' Training Corps camp to attend a National Guard camp in lieu thereof.

Members of the Air Reserve Officers' Training Corps may be enlisted in the National Guard, and while so enlisted may attend National Guard drill and assembly periods, but they will not be excused from any part of the Air Reserve Officers' Training Corps institutional course, nor from attendance at the required summer camp, to perform National Guard duty or attend National Guard training; there is nothing in this provision, however, to prevent members of the Air Reserve Officers' Training Corps from attending both Air Reserve Officers' Training Corps and National Guard camps during the same year, provided such camps come at different periods.

§ 862.14 *Members of faculty.* With the approval of the authorities of an institution, physically fit members of the faculty or the corps of instructors are authorized to take the courses of training prescribed herein for members of the Air Reserve Officers' Training Corps. However, it must be understood that participation in these courses does not entitle them to enrollment in the Air Reserve Officers' Training Corps nor to participation in any Government expenditures therefor. Members of the teaching staff with military experience may be appointed faculty military instructors on the recommendation of the professor of military science and tactics, with the consent of the head of the institution.

§ 862.15 *Discharge and withdrawal of members.* (a) Except in cases involving withdrawal from contract covering payment of commutation of subsistence, the authorities of an institution may, in an exceptional case for sufficient reason upon the recommendation of the professor of military science and tactics discharge a member of the Air Reserve Officers' Training Corps from such corps and from the necessity of completing the course of military training as a prerequisite for graduation. Cases involving withdrawal from advanced course contracts will be referred to the Air Force area commander for decision.

(b) Air Force area commanders are authorized to adjust cases involving the withdrawal of members of the Air Reserve Officers' Training Corps from, or return to, advanced course contracts upon the merits of the individual cases. Except in cases where withdrawal from the contract is for the convenience of the Government, the student will be required to refund to the Government, any sums previously paid to him as commutation of subsistence.

(c) Students who by the end of the first year of the advanced course have not demonstrated proper and sufficient aptitude in the performance of their duties to indicate that their future instruction will qualify them for a commission in the Air Officers' Reserve Corps, or who fail to complete satisfactorily the camp course of instruction or the second year of the advanced course, or who in the interests of the Government should not be commissioned in the Air Officers' Reserve Corps, will be discharged from the Air Reserve Officers' Training Corps and be permitted, if they have faithfully complied with the provisions of their advanced course contracts, to withdraw from their contracts for the convenience of the Government. Students discharged under the provisions of this paragraph will not be eligible for reenrollment in the Air Reserve Officers' Training Corps.

(d) The withdrawal of an advanced course student from the institution terminates his obligation to continue the Air Reserve Officers' Training Corps training unless he later returns to the institution or voluntarily enrolls in the advanced course in another institution under the provisions of § 862.16, in which case he will be required to fulfill the provisions of the contract signed when he enrolled in the advanced course.

§ 862.16 *Credit for Air Reserve Officers' Training Corps training.* A member of the Air Reserve Officers' Training Corps who withdraws from an institution and enters another in which a unit of the Air Reserve Officers' Training Corps is maintained and who is eligible to enroll therein under the regulations of the institution (and, in the case of an advanced-course student, is duly selected therefor) will be given credit, if he does enroll therein, for that part of the course successfully completed in the first institution.

§ 862.17 *Training.*—(a) *Military courtesy.* The observance of military courtesy and customs is required on all occasions

when students are under military instruction.

(b) *Basic and advanced courses.* The four years' Air Reserve Officers' Training Corps course is divided into the basic course and the advanced course. The basic course consists of the first two years in the department of military science and tactics which correspond to the freshman and sophomore years of the academic departments. The advanced course consists of the last two years in the department of military science and tactics which correspond to the junior and senior years of the academic departments.

(c) There is no authority under the law to compress the basic course into less than two academic years. The Air Force area commander is authorized to approve applications for curtailment of the advanced course when all of the following conditions exist: when the student will be eligible for graduation from the institution before sufficient time shall have elapsed to enable him to complete the regular advanced course; when the student has completed or agrees to complete all theoretical (classroom) subjects in the advanced course without reduction of the scope prescribed in the program of instruction, and subject to written examination in all subjects, under the supervision of the professor of military science and tactics; when the student agrees to attend the advanced course camp; and when the student, in the opinion of the professor of military science and tactics, possesses exceptional aptitude for leadership and capacity for completing the course in the time available.

Notwithstanding the granting of authority for a curtailment of the course, the student will not be recommended for appointment in the United States Air Force Reserve unless he has on graduation from the institution fulfilled all the conditions prescribed and has in fact demonstrated his qualifications for commission. A curtailment of the course will not be authorized in the case of any student eligible for enrollment in the advanced course two or more years prior to the date of his graduation from the institution.

(d) *Election of courses.* Students electing the Air Reserve Officers' Training Corps courses do so for only two years at a time. The first election is for the two years' basic course, after which, if the student be recommended for further training, he may elect the advanced course. Completion of the basic course shall, when entered upon by a student, be a prerequisite for graduation as regards such student, unless he shall be discharged in accordance with the provisions of § 862.15. Completion of the advanced course is a requirement of the student's contract and should be made a requirement for academic graduation by virtue of the fact that the institution has, pursuant to section 40a, National Defense Act, as amended (41 Stat. 777; 10 U. S. C. 385) agreed to adopt into its curriculum the course of instruction (advanced course) prescribed by the Secretary of the Air Force, which, once entered upon by any student is, under the

terms of his contract, a required subject of his institutional course.

(e) *Camps.* Air Reserve Officers' Training Corps camps will be established annually as prescribed by the Department of the Air Force. Attendance at one advanced-course camp is required of all students enrolled in the advanced course.

(f) *Admission to advanced course.* When any member of the Air Reserve Officers' Training Corps has completed two academic years of service, and has been selected by the head of the institution and the professor of military science and tactics for advanced training, he may be admitted to the advanced course within the limits of the enrollment allotted to the institution.

(g) *Written agreement for admission to advanced course.* A member of the Air Reserve Officers' Training Corps, otherwise qualified, becomes enrolled in the advanced course upon signing a written agreement, upon the form prescribed for that purpose, to fulfill certain conditions as required by law and regulations.

Enrollment in the advanced course will normally take place at or before the beginning of the school year, semester, term, or quarter following the completion of the basic course, and the students enrolled will, under the terms of their contracts, normally pursue the course continuously to completion so long as they continue as students at the institution. Upon the recommendation of the professor of military science and tactics, heads of institutions are authorized to defer enrollment in the advanced course in the case of students who, at the time of becoming eligible for enrollment in the advanced course, will normally require more than two years to complete their academic courses. Similarly they may authorize deferments of unexecuted portions of advanced-course contracts in the case of students who would otherwise complete the advanced course at a period antedating their academic graduation. Such deferments will extend only until such period as will permit the student to complete the advanced course without curtailment. In no case will a deferment be granted which would result in a curtailment of the advanced course or a contraction of the course into a period of less than two years. No student in whose case a deferment has been granted and who fails to apply for enrollment in the advanced course in sufficient time to complete the course without curtailment will be accepted.

No deferment of any portion of the advanced course at institutions beyond the date of graduation from the academic course which the student is pursuing will be authorized. Students in postgraduate or professional courses who completed the basic course of a unit of any arm or service as undergraduates may be authorized to enroll in the advanced course at any time prior to the commencement of the last two years of their course.

Contracts may be prepared and signed prior to the completion of the basic course, but in such event the effective date of enrollment in accordance with the



contract, namely, the first day of a subsequent academic year, semester, term or quarter, will be clearly specified. Students who fail to begin the work of the advanced course at the time specified will forfeit all rights under their contracts.

(h) *Credit for previous training.* Students who have received previous military training in a junior division of the Army Reserve Officers' Training Corps or in a school or college conducting military training under an officer of the Army or Air Force detailed as professor of military science and tactics will receive such credit toward eligibility for the advanced course as the professor of military science and tactics and the head of the institution may jointly determine. Consideration will be given to the general educational policies and plans of the institution and to the military proficiency of the individual student, as evidenced by his record of previous training; but credit shall only be given for time during which the student has received a course of military training substantially equivalent to that prescribed for the corresponding period or periods of training of the United States Air Force Reserve. Credit will not be given to a student for military training received prior to his fourteenth birthday. Credit may be given for training received at the United States Military Academy or at the United States Naval Academy, or at the United States Coast Guard Academy, or in the Army or Naval Reserve Officers' Training Corps.

Any student now or hereafter enrolled in the Air Reserve Officers' Training Corps, who has been separated under honorable conditions from active duty in the armed forces of the United States (Air Force, Army, Navy, Marine Corps, or Coast Guard) will receive credit toward completion of the two academic years of service in that division required for admission to the advanced course and for entitlement to commutation of subsistence, as provided for in section 47c, National Defense Act, as amended, (41 Stat. 778; 10 U. S. C. 387) for military training which he has received, while on active duty in the Air Force, Army, Navy, Marine Corps, or Coast Guard, as follows:

Active duty in the armed forces of the United States:	Credit for basic course, ROTC
1 year or more.....	2 years.
6 months, but less than 1 year....	1 year.
Less than 6 months.....	No credit.

(i) *Hours of instruction.* The minimum number hours of Air Reserve Officers' Training Corps instruction required to be given in the basic course is an average of 3 hours per week, and in the advanced course, 5 hours per week; time spent in preparation for instruction will not be counted in satisfaction of this requirement.

(j) *Meaning of instruction hours.* An hour in the program of instruction represents the customary academic hour of 50 minutes.

(k) *Distribution of instruction hours.* With the approval of the Air Force area commander the required hours of instruction may be distributed through-

out the year in accordance with the conditions existing at the particular institution.

(l) *Courses of instruction.* Courses of instruction will be furnished by the Department of the Air Force, and all instruction in the Air Reserve Officers' Training Corps will be conducted in accordance therewith.

(m) *Credit for academic instruction.* Credit on Air Reserve Officers' Training Corps courses for instruction received in the nonmilitary departments of the institution will be limited to that authorized in the Department of the Air Force programs of instruction.

(n) *Credit toward a degree.* The credit to be given for the successful completion of courses in the Air Reserve Officers' Training Corps toward a degree is a matter to be determined by the authorities of each institution. The successful conduct of the Air Reserve Officers' Training Corps units depends in large measure upon the granting of credit on the same basis, hour for hour, for practical and theoretical instruction as is given for laboratory and classroom work in other departments.

(o) *Athletics.* Under such rules as may be adopted by the head of the institution and the professor of military science and tactics, a student engaged in college athletics may be excused from the regular classes in physical training held under the department of military science and tactics during the season in which he is actually engaged in such athletics.

(p) *Band.* Members of the Air Reserve Officers' Training Corps may be trained and employed as members of the band during a part of the hours allotted to close-order or other formal drills. Members of the band enrolled in the Air Reserve Officers' Training Corps qualifying for reserve commissions must so qualify by the same standards as are required of other members of the Air Reserve Officers' Training Corps.

(q) *Absence from instruction.* Absence from training or instruction will be excused only for sickness, injury, or other exceptional reasons. Any student who is absent from any part of the practical or theoretical instruction will be required, according to the practice at the particular institution, to make up the instruction missed thereby before being credited with completion of either the basic or advanced course.

(r) *Military training certificate.* Upon application, a military training certificate will be issued by the professor of military science and tactics to each student (except to those commissioned in the United States Air Force Reserve or issued certifications for appointment) enrolled in the Air Reserve Officers' Training Corps upon the termination of his instruction therein. This certificate will show the course pursued and the military qualification attained.

§ 862.18 *Distinguished military student.* (a) A "distinguished military student" is a person designated by the professor of military science and tactics who:

(1) Possesses outstanding qualities of military leadership, high moral charac-

ter, and definite aptitude for the military service.

(2) Has distinguished himself either academically or by demonstrated leadership through his accomplishments while participating in recognized campus activities.

(3) Has completed or is scheduled to complete the advanced course, within one school year, and

(4) Has a standing in military subjects among the upper third of his Air Reserve Officers' Training Corps class.

(b) Qualified students who will complete the advanced course, prior to graduation from a college or university which confers a baccalaureate degree will be notified by the professor of military science and tactics of designation as distinguished military students by letter on the day of successful completion of the advanced course.

(c) Qualified students who are scheduled to complete the advanced course, and simultaneously to be graduated from a college or university with a baccalaureate degree within one school year may be designated distinguished military students by the professor of military science and tactics at the beginning of the student's last full school year.

(d) The professor of military science and tactics or higher commander must obtain the written opinion of the president or other appropriate official of the institution prior to the announcement of specific students designated as distinguished military students.

(e) The designation as a distinguished military student of an Air Reserve Officers' Training Corps unit entitles the individual to be considered in selection of applicants for appointment in the Regular Army and Regular Air Force during his last year of attendance at a college or university which confers a baccalaureate degree on graduation therefrom, provided he is eligible for appointment under other pertinent laws and regulations.

§ 862.19 *Distinguished military graduates.* (a) A "distinguished military graduate" is a person designated by the professor of military science and tactics or by a higher commander who:

(1) Is a distinguished military student.

(2) Has completed the advanced course, Air Reserve Officers' Training Corps.

(3) Has been graduated from a college or university with a baccalaureate degree, and

(4) Has maintained the standards required of a distinguished military student during the period between designation as a distinguished military student and the date of graduation with a degree from an accredited college or university.

(b) The professor of military science and tactics or higher commander must obtain the written opinion of the president or other appropriate official of the institution prior to the announcement of specific students designated as distinguished military graduates.

(c) Distinguished military students selected for appointment in the Regular Service who maintain these standards

until graduation are assured of appointment, provided they are physically qualified. Such distinguished military students will be notified of their selection for a Regular appointment in January or November of each year. Professors of military science and tactics will officially designate as distinguished military graduates all distinguished military students who have maintained prescribed standards throughout the course. Such designation will be accomplished by letter on the day of graduation. This letter will be given each distinguished military graduate. The appropriate commander will take this action in the case of students who are attending institutions where there is no professor of military science and tactics.

(d) In order to be considered for designation as distinguished military graduates, distinguished military students in attendance at colleges and universities which do not have a professor of military science and tactics must inform the appropriate Air Force commander, or senior United States Air Force commander of oversea commands, during the early part of their senior year of the school at which they are in attendance.

**§ 862.20 Uniforms and insignia.** Graduates holding certificates of eligibility for appointment as second lieutenants in the United States Air Force Reserve are authorized to wear the prescribed uniform of the organization from which they graduated until they attain the age when they become eligible for such appointment (21 years). The occasions on which the uniform may be worn are the same as those prescribed for Reserve officers not on active duty.

**§ 862.21 Appointment in the United States Air Force Reserve.** (a) Graduates of the Air Reserve Officers' Training Corps may be appointed as Reserve officers upon satisfactory completion of the course of training prescribed by law and regulations provided they meet the requirements of pertinent regulations governing appointment in the Air Officers' Reserve Corps. The recommendation of the professor of military science and tactics and the head of the institution, concurred in by the Chief of Staff, United States Air Force, will be required in each case. Appointments are made only in the lowest authorized grade of the proper section.

(b) During the period of commencement the commissions or certifications for appointment will be formally presented to those entitled to receive them with such ceremony as the head of the institution may prescribe.

**§ 862.22 Appointment in the Regular Air Force.** The appointment of members or former members of the Air Reserve Officers' Training Corps as commissioned officers in the Regular Air Force will be governed by regulations for appointment of commissioned officers in the Regular Air Force which specify exemptions from educational tests granted to honor graduates of selected institutions maintaining units of the Air Reserve Officers' Training Corps and partial exemptions granted to other graduates and members of the Air Reserve Officers' Training Corps. The Department of the Air Force

will from time to time advise all concerned relative to the institutions and the number of honor graduates from each who may take advantage of these provisions.

**§ 862.23 Form of application for establishment of Air Reserve Officers' Training Corps units.** Application in the following form will be submitted by institutional authorities desiring the establishment of units of the Air Reserve Officers' Training Corps;

**APPLICATION AND AGREEMENT FOR ESTABLISHMENT OF SENIOR UNIT, AIR FORCE RESERVE OFFICERS' TRAINING CORPS**

Subject: Application for the Establishment of a Senior Unit, Air Force Reserve Officers' Training Corps, and Agreement Pertaining Thereto.

To: The Chief of Staff, United States Air Force, Washington 25, D. C.

Through:

- (1) The Commanding General, -----  
Air Force, -----
- (2) The Commanding General, Air Defense  
Command, Mitchell Air Force Base, New  
York.

Application. By direction of the governing authorities of -----,  
(Name of Institution)

I hereby submit application for the establishment of a Senior Unit of the Air Force Reserve Officers' Training Corps at this institution. Attached hereto is a catalog and a statement of particulars with reference to this institution.

Agreement. 1. Contingent upon the acceptance of this application by the President and upon the fulfillment of all conditions enumerated in paragraph 2 following, the Secretary of the Air Force agrees as follows:

a. To establish and maintain a Senior Unit of the Air Force Reserve Officers' Training Corps at the institution named in the foregoing application.

b. To assign such Air Force personnel as he may deem necessary for the proper administration and conduct of the Air Force Reserve Officers' Training Corps program at the above-named institution, and to pay the statutory pay and allowances of such personnel from Air Force appropriations.

c. To issue to the institution at the expense of the United States, upon receipt of properly executed requisitions from the Air Force property custodian thereof, such available United States property as may be authorized by law and applicable tables of allowances; and to pay at the expense of the United States the costs of transportation, packing, crating, and normal maintenance of such property, exclusive of costs involved in the storage of such property at the institution.

d. To pay, at the expense of the United States and subject to appropriate regulations, commutation in lieu of subsistence at the currently prescribed rate to formally enrolled members of the advanced course.

e. To pay, at the expense of the United States and subject to appropriate regulations, commutation in lieu of the issue of government uniform clothing; at the currently prescribed rate or rates, in behalf of formally enrolled members of the basic course or the advanced course or both, to whom suitable uniform clothing is furnished at the expense of the institution.

2. Contingent upon the acceptance of this application by the President, and upon the establishment of the desired unit of the Air Force Reserve Officers' Training Corps, the governing authorities of this institution agree as follows:

a. To establish and maintain (1) a basic course of military training of not less than

two academic years' duration, enrollment in which shall be (required) (elective) on the part of all physically fit male undergraduate students who are not less than fourteen years of age, and (2) an advanced course of military training extending throughout the remainder of the period of the normal undergraduate course, enrollment in which shall be elective on the part of those students who may be selected therefor by the head of the institution and the professor of air science and tactics; and to require that each student who shall have been enrolled in either course shall complete that course as a prerequisite for his graduation from the institution, unless he is excused from this requirement by authority of the Secretary of the Air Force.

b. To establish a Department of Air Science and Tactics as an integral academic and administrative subdivision of the institution.

c. To adopt into the curriculum of the institution the military courses or subjects prescribed by the Secretary of the Air Force; and to require each student (1) who is enrolled in the basic course to devote not less than an average of three hours per week per academic year to such military courses, and (2) who is enrolled in the advanced course to devote not less than an average of five hours per week per academic year to such military courses, in both cases exclusive of the time spent by him in preparation or study.

d. To endeavor to promote and further the objects for which the program is organized.

e. To grant academic credit applicable toward graduation for successful completion of each semester, quarter, or term of the military course at the rate of ----- credits per ----- of the basic course, and ----- credits per ----- of the advanced course.

f. To conform to the regulations of the Secretary of the Air Force regarding the issue, care, use, safekeeping, and accounting for United States property issued to the institution.

g. To appoint by resolution or in by-laws, whichever may be countenanced by statutes or approved methods of procedure governing the institution, a civilian officer of the institution to be known as the Air Force property custodian, who will be empowered to requisition, receive, store, and account for Air Force property issued to the institution, and otherwise to transact matters pertaining thereto for and in behalf of the institution.

h. To comply with the provisions of law and the regulations of the Secretary of the Air Force pertaining to the furnishing of a bond to cover the value of all Air Force property issued to the institution, except clothing, expendable articles, and articles specifically exempted.

i. To provide, without expense to the Department of the Air Force, the office, classroom, storage, drill, range, and other facilities mutually agreed upon as specified in Inclosure #2 hereto, for use in connection with the Air Force Reserve Officers' Training Corps program.

3. It is mutually understood and agreed as follows:

a. That this agreement shall not become effective until the authorities of this institution have been notified officially that the President has approved the establishment of the Air Force Reserve Officers' Training Corps unit concerned, on the date specified.

b. That this agreement may be terminated and the Air Force Reserve Officers' Training Corps unit disestablished as of the end of any academic year, upon the giving of at least 90 days' advance notice of such intent by either party hereto.

c. That the authorities of this institution shall in all instances be afforded the opportunity to pass on the qualifications of Air Force officers proposed for assignment, and to veto such assignment; and shall also have the right to demand the relief from assign-

ment of any officer warrant officer or airman so assigned

d That, in the event paragraph 2a above specifies that enrollment in the basic course of military training shall be on a required basis, the authorities of this institution shall have the right to exempt or excuse therefrom those students who in the judgment of the institutional authorities, have received or are receiving equivalent military training

e That the Secretary of the Air Force shall have the right at any time to relieve from duty at the institution any officer, warrant officer, or airman of the Air Force of the United States so assigned

f That the authorities of this institution initially elect to receive uniforms in kind for students of (the basic course) or (the advanced course) or (the basic and advanced courses) and to receive commutation of uniform in behalf of students of (the basic course) or (the advanced course) or (the basic and advanced courses)

4 The authorities of this institution understand that the law requires, as conditions precedent to the establishment and maintenance of the desired unit of the Air Force Reserve Officers Training Corps, that:

a. The institution must maintain under military training in the Air Force Reserve Officers' Training Corps a minimum of 100 physically fit male students

b. An officer of the United States Air Force must be detailed as professor of air science and tactics.

For the Institution  
(Name) -----  
(Title) -----  
For the Secretary of the Air Force  
(Name) -----  
(Title) -----

§ 862.24 Inclosures (to be attached to application for an Air Reserve Officers' Training Corps unit)---(a) Inclosure #1; data pertaining to institution

Name and location of institution -----  
1 If Air Force ROTC training is to be conducted at any auxiliary or subcampus or at any location other than that stated above explain fully:

2 Type of institution (check one): ( ) State University (Land Grant) ( ) State College (Land-Grant) ( ) State University (non-Land Grant) ( ) State (other) ( ) Municipal ( ) Other Public ( ) Denominational (specify -----) ( ) Other (specify -----)

3 List agencies which accredit the various courses given by institution:

4 a. Official designation of governing body: -----  
b Number of members: -----

5 Official designation of head of institution: -----  
6 Indicate the status to be accorded the Air Force ROTC unit within the institutional organization (school department etc.): -----

7 Nearest airfield capable of handling trainer-type military aircraft (describe): -----

8 Specify the type or types of screening or college aptitude tests administered to all entering freshmen: -----

9 To what extent are all entering male freshmen physically examined? -----

10 Specify health-service or dispensary facilities and personnel which will be available annually for military type physical examinations of Air Force ROTC students: -----

11 Does the institution sponsor any flying school or other aviation activity? (Describe): -----

12 Is there a band which will be available for ROTC ceremonies? State whether institutional or ROTC: -----

13 To what extent is institution endowed? -----

14 Indicate amount of public support received annually: -----  
15 This institution operates on a ("normal") ("accelerated") schedule The academic year consists of (2 semesters) (3 quarters) (-----) There (is) (is not) a summer session The total duration in the academic year, exclusive of vacation periods and examinations, is ----- weeks

16 Indicate anticipated future (post-veteran) stabilized enrollment and anticipated numbers who will receive baccalaureate or equivalent degrees annually in each of the following fields: -----

Aero Engineering -----  
Chemical Engineering -----  
Civil Engineering -----  
Electrical Engineering -----  
Mechanical Engineering -----

For use in connection with 5 year undergraduate courses only

Other Engineering -----  
Chemistry -----  
Physics -----  
Public Administration -----  
Statistics -----  
Transportation -----  
Other Bus Adm -----  
Liberal Arts -----  
Total for institution -----

(b) Inclosure #2, agreement regarding facilities to be provided for the use of the Air Force ROTC Program, without expense to the Department of the Air Force

Name and location of institution -----  
The authorities of the above-named institution agree that the facilities specified below shall be furnished for the use of the Air Force ROTC program without expense to the Department of the Air Force:

1 Offices:

Number of rooms	Size	Located in (building)	Specify whether for exclusive use of Air ROTC Department or joint use with Military or Naval Service or other departments
-----	-----	-----	-----

2 Storage rooms: a. For storage of clothing supplies small articles of equipment, etc.

Number of rooms	Size	Located in (building)	Exclusive or joint use
-----	-----	-----	-----

b For storage of large items of equipment training aids motor vehicles, etc. (Describe): -----

Notes: Storage rooms particularly for clothing and small articles of equipment, must be adequately lighted and ventilated and be provided with shelving, cabinets, and locked arms racks Windows must be securely barred and doors reinforced and fitted with cylinder locks

3 a. Classrooms: -----  
Room and building ----- Seating capacity ----- Exclusive or joint use -----

Notes: Classroom must be adequately lighted and ventilated and provided with standard equipment If joint use is specified, rooms must be available for Air ROTC classes when scheduled

b Assembly halls: Seating capacity ----- (Is) (is not) provided with projection equipment for (35mm) (16mm) film Will be available for Air ROTC classes as follows: -----

4. Gymnasium or other indoor drill area: Size: -----' x -----' Will be available for Air ROTC classes as follows: -----

5 Outdoor drill area: (Location with respect to offices and storerooms -----

6 Indoor target range: Number of firing points ----- Will be under jurisdiction of -----

7 Other facilities, as specified below: -----

A plan of the campus, showing relative location of facilities to be provided for the Air Force ROTC Program, is attached

## RULES AND REGULATIONS

§ 862.25 *Transmittal of application.* Applications from institutions located in the following states should be addressed as follows:

(a) To the Commanding General, First Air Force, Fort Slocum, New York, from those located in:

Connecticut.	New Jersey.
Delaware.	New York.
District of Columbia.	Ohio.
Kentucky.	Pennsylvania.
Maine.	Rhode Island.
Maryland.	Vermont.
Massachusetts.	Virginia.
Michigan.	West Virginia.
New Hampshire.	

(b) To the Commanding General, Fourth Air Force, Hamilton Air Force Base, California, from those located in:

Arizona.	Nevada.
California.	Oregon.
Idaho.	Utah.
Montana.	Washington.

(c) To the Commanding General, Tenth Air Force, Fort Benjamin Harrison, Indiana, from those located in:

Colorado.	Missouri.
Illinois.	Nebraska.
Indiana.	North Dakota.
Iowa.	South Dakota.
Kansas.	Wisconsin.
Minnesota.	Wyoming.

(d) To the Commanding General, Fourteenth Air Force, Orlando Air Force Base, Florida, from those located in:

Alabama.	New Mexico.
Arkansas.	North Carolina.
Florida.	Oklahoma.
Georgia.	South Carolina.
Louisiana.	Tennessee.
Mississippi.	Texas.

## TRAINING CAMPS

**AUTHORITY:** §§ 862.50 to 862.66 issued under sec. 34, 41 Stat. 778; secs. 207 (f), 203 (e) Pub. Law 253, 80th Cong., 61 Stat. 502, 503; 10 U. S. C. 441; 5 U. S. C. Sup. 626, 626c; Transfer Order 10, April 27, 1948, 13 F. R. 2428.

§ 862.50 *Objective.* The objective of camp training is to supplement the instruction received by the student at the institution, much of which is theoretical in nature by additional applicatory training, in order to qualify him for a commission in a component of the Air Force of the United States. Camp training is of the individual and unit type, with the student receiving experience in the performance of tactical, technical and administrative duties in the field. The training of the student in leadership is stressed.

§ 862.51 *Time and duration.* Camp will ordinarily open in June of each year (as soon as practicable after the closing date of educational institutions concerned) and will continue for a period of six (6) weeks.

§ 862.52 *Attendance.* (a) Camp attendance is required of, and open to, students as indicated below:

(1) Attendance at one camp is required of students enrolled in the advanced course, normally upon completion of the first year of the advanced course.

(2) Students who are required or who elect to pursue technical training or engage in employment or furtherance of

such training during the summer following their junior academic year under the general supervision of the authorities of the institution may be authorized by air force commanders to attend camp upon completion of the advanced course.

(3) Students who, after completion of the basic course, have but one more year before graduation from collegiate institutions and for whom curtailment of the advanced course is authorized, may be permitted by the appropriate air force commanders to attend camp upon completion of the advanced course.

(4) Attendance is required of graduates of an institution to whom deferred camp attendance has been granted under the provisions of § 862.53.

(5) Students pursuing the course under the provisions of § 862.12, may be authorized by air force commanders to attend camp without expense to the Government other than payment for attendance as authorized by section 47c, National Defense Act. (41 Stat. 778; 10 U. S. C. 443) The conditions of attendance will be explained to each student, and he will be required to sign a waiver of claim against the United States for any allowance whatsoever based on such attendance, except for payment under the provisions of section 47c, National Defense Act, as amended.

(6) When the number of students that can be trained is such that all cannot be accommodated, selection for camp training will be made with priority in the following order:

(i) Advanced course students to whom deferred camp attendance was granted the previous year.

(ii) Students compelled to withdraw from a previous camp under the conditions cited in subdivision (iv) of this subparagraph.

(iii) Advanced course students attending at the normal time, i. e., after satisfactory completion of the first year of the advanced course.

(iv) Students pursuing the course under the provisions of § 862.12, authorized to attend.

(b) The training of the student is conducted in clearly defined stages according to a progressive scheme of instruction. The camp training supplements and follows in progression the first year of the advanced course at the institution.

(c) Students will not be authorized to attend more than one camp except in the following cases.

(1) When the student was compelled to withdraw from a camp previously attended and was unable to complete the camp course of instruction because of sickness or cause other than misconduct, fault, or neglect on his part.

(2) When the student after attending camp has transferred to a unit of an arm or service other than that of the camp previously attended.

(3) When authorized by the Secretary of the Air Force, in exceptional cases. In these cases the student, if eligible, will be required to attend the next camp of his unit in accordance with the provisions of his advanced course contract.

(d) The exemption of members of the advanced course from the required camp

attendance or the extension of credit toward such attendance for previous military training is not authorized by law.

(e) The attendance under contract at summer camp of students who have completed only their first year basic course is not authorized.

§ 862.53 *Deferred attendance.* (a) When it is not practicable for an advanced course student to attend camp until after the normal period, attendance may be deferred by air force commanders to whom application for such deferment, setting forth the reasons which require deferment will be addressed. Such commanders will not authorize a change of advanced camp attendance from the normal period to a period subsequent to graduation unless the reasons given are substantial. (See § 862.15 (a) (2) and (3))

(b) A student will not be permitted to defer camp attendance to a time subsequent to the camp which immediately follows his graduation unless he is physically unable to attend that camp, in which case, upon receipt of proper evidence of disability, including the certificate of a reputable physician, air force commanders may authorize the student to defer attendance at camp for an additional year.

(c) The veteran-trainee may be authorized subsistence allowance in the amounts to which he is ordinarily entitled and subject to the \$175-\$200 limiting provision of section 2, Public Law 679, 79th Congress (60 Stat. 934) which amends paragraph 6, Part VIII, Veterans Regulations Numbered 1 (a), as amended, while in approved leave status from his place of training. Such leave may be used to attend Reserve Officers' Training Camp or for any other purpose. It is considered that a trainee does not pursue his regular course of education or training for the period of summer Reserve Officer training; therefore, he will not be paid subsistence for this period unless he has sufficient accrued leave for which he has applied to cover this period of training.

§ 862.54 *Attendance at camp of arm or service other than that in which enrolled.* There will be students in scientific and technical courses whose services will be needed in, and who will wish to be commissioned in, branches not represented by units on their campuses. Air force commanders, with the concurrence of the Army commander concerned, may authorize the attendance of such students at Air Reserve Officers' Training Corps camps provided such students are enrolled in academic courses prerequisite to enrollment in advanced Air Reserve Officers' Training Corps as prescribed by the Department of the Air Force.

§ 862.55 *Absence from camp.* (a) For unavoidable causes, such as sickness, air force commanders may in each particular case authorize a short delay in arrival, which in no event is to extend beyond the fifth day of camp. Students will not be admitted to camp later than the fifth day.

(b) In exceptional cases when hardship would otherwise ensue, camp com-

manders in each particular case may authorize students to be absent from camp for short periods during which they should ordinarily be present for instruction.

(c) A student, who through absence from camp, fails to receive at least 85 per cent of the total scheduled instruction, will not be credited with camp attendance nor will he be considered as fulfilling that part of his advanced course contract which requires camp attendance. The Commanding General, Air Defense Command, is authorized to act as final approving authority on requests from institutions for waivers of these provisions.

§ 862.56 *Physical examination*—(a) *Opening of camp.* (1) Within 48 hours after arriving at camp, all students will be given a physical examination. Students who possess minor disqualifying defects, which in the opinion of the examining board will be overcome prior to the time they become eligible for commission as officers, will be permitted to remain in camp. Those students who are found to have any condition which would render training hazardous to themselves, or whose presence in camp would be a menace to others, or who possess permanent physical defects which will disqualify them for commission in a component of the Air Force of the United States will be reported as disqualified. Ordinarily, these students will then be returned to their homes; however, when no danger to others will result, a physically disqualified student may be permitted to continue the camp training at his own risk, pending final action by the air force commander, provided a signed statement is presented by him and his parent or guardian to the effect that his physical condition is understood and the Government will not be held responsible for any possible detrimental effects that may result.

(2) The records of all students who have been found to be physically disqualified and the records of those for whom waiver of defects is recommended will be forwarded to the air force commander concerned, whose decision with respect to waiver of defects is final.

(3) The physical examination made at the camp will be made primarily to determine the student's physical qualification for a commission in a component of the Air Force of the United States.

(4) At the discretion of the Chief of Staff, United States Air Force, students may be given a physical examination for flying.

(b) *At close of camp.* (1) Each student who has suffered an injury or illness while in attendance at his camp is required to undergo a thorough physical examination within 48 hours prior to the termination of his course of training.

§ 862.57 *Immunizations.* Those students, who have not completed the prescribed immunization will receive the remaining required inoculations upon reporting at camp. A copy of the Immunization Register will be furnished each student.

§ 862.58 *Medical and hospital treatment*—(a) *General authorization*—(1) *Line-of-duty cases.* Members of Reserve

Officers' Training Corps who suffer personal injury or contract disease in line of duty while en route to or from and during their attendance at camps of instruction under the provisions of section 47a of the National Defense Act, as amended (41 Stat. 778; 10 U. S. C. 441), shall under such regulations as shall be prescribed be entitled to hospitalization, rehospitalization, medical, and surgical care in hospital or at their homes until the disability resulting from such injury or disease cannot be materially improved by further hospitalization or treatment.

(2) *Not in line-of-duty.* Members of the Air Reserve Officers' Training Corps may be treated at public expense for injury or disease not in line of duty only in Army or Air Force medical facilities and under the following conditions:

(i) During the period of their attendance at Air Reserve Officers' Training Corps camps they may be admitted to Air Force hospitals at such camps without regard to line of duty.

(ii) In the event a member of the Air Reserve Officers' Training Corps is undergoing hospital treatment upon the termination of the camp, or before his departure from the camp is in need of hospital treatment because of a disability not in line of duty, and is physically unable to withstand transportation to his home for the time being, his case will be handled by the local commanding officer in such manner as he may consider to be for the best interests of all concerned.

(b) *Place of treatment*—(1) *In Army or Air Force hospitals.* Members of the Air Reserve Officers' Training Corps entitled to treatment under paragraph (a) of this section, will be treated in Army or Air Force medical facilities, when available.

(2) *In hospitals of Federal agencies (other than Army or Air Force).* If Army or Air Force medical facilities are not available, members of the Air Reserve Officers' Training Corps entitled to treatment under the provisions of paragraph (a) (1) of this section, will be treated in hospitals of other Federal departments or agencies on written request for treatment signed by the responsible officer (or, if for rehospitalization or treatment after termination of the camp and return home, by the commanding general under whose jurisdiction the camp was held).

(3) *By civilian agencies.* If no medical facility of the Army, Air Force, or other Federal department or agency is available, members of the Air Reserve Officers' Training Corps entitled to treatment under paragraph (a) (1) of this section, may be treated by civilian agencies on written request signed by the responsible officer (or, if for rehospitalization or treatment after termination of the camp and return home, by the commanding general under whose jurisdiction the camp was held).

§ 862.59 *Dismissal and withdrawal from camp.* (a) Any student who because of demonstrated inaptitude or indifference to training, or who is guilty of misconduct, or whose habits or traits of character indicate that he would not be qualified for a commission as an officer upon completion of the four-year

course of instruction prescribed for Air Reserve Officers' Training Corps units, will be dismissed from the camp by the camp commander. Such action by the camp commander will be based upon a thorough and impartial investigation by a board of officers. A full report concerning the dismissal of the student, will be forwarded to the authorities of the institution in which the student is enrolled. Any student who is compelled by necessity to leave the camp through no fault or misconduct of his own may be permitted to withdraw by the commanding officer. Students who are dismissed or who withdraw from camp are entitled to transportation and subsistence as provided hereinafter.

(b) Dismissal from camp does not immediately result in discharge from the Air Reserve Officers' Training Corps. The professor of military science and tactics at the institution, after thorough investigation and examination of the report of dismissal, recommends to the air force commander through the head of the institution either that the student be discharged from the Air Reserve Officers' Training Corps or, in an exceptional case, that he be retained therein, and upon action by the higher authority designated above, will take steps accordingly. Students permitted to withdraw for their own convenience are required to refund all commutation of subsistence so far received as a condition precedent to release from contract, and that in the discretion of the institutional authorities they may be required to refund to the institution the unearned portion of advanced course commutation of uniform allowance expended in their behalf.

§ 862.60 *Training procedures.* (a) Summer camp training will be intensive in character. Methods will be the same as followed in training units under field conditions. The technique of firing individual weapons will be stressed. Practice marches, field exercises, and field maneuvers will be conducted with full field equipment. All students must observe and participate in the activities of the various base functions to the extent practicable. To develop initiative and leadership, all students will be rotated, under careful supervision, among positions of responsibility and command both in administration and training. High standards will be established in military bearing, courtesy, precision, punctuality, neatness of dress and person, discipline, and sanitation.

(b) Students progress records will be maintained for each student. On these will be recorded the grades given in all subjects including performance in positions of command and responsibility. A composite grade will be determined as to general performance, with a statement made as to whether the camp course was successfully completed.

(c) The training week will consist of 40 hours of instruction. Training may be conducted on five 8-hour training days or four 8-hour and two 4-hour training days at the discretion of the air force commander. Constructive training time expended for night exercises will be charged against instructional time, with equivalent time deducted from subsequent training days. Instruction periods



## RULES AND REGULATIONS

will normally be for the duration of 50 minutes.

(d) Maintenance and preparation for inspection of students' equipment will be performed during hours other than those listed for instruction. Inspection of students, formal or informal, will be performed during hours other than those listed for instruction.

(e) Reveille and retreat formations will be scheduled daily, except Sundays and holidays, when such formations will not interfere with field exercises. Retreat formations will not be held on half-days of instruction.

§ 862.61 *Responsibility for government property.* (a) Any loss of or damage to clothing or equipment due to lack of care on the part of the student to whom issued will be assessed and charged to the student. Where pay-roll deduction is made and the pay of the student is insufficient to cover the complete indebtedness, the balance due will be collected from him if practicable; otherwise, it will be reported to the institution with request for assistance in collection. Clothing and equipment will be charged in accordance with current price lists.

(b) No deduction to reimburse the Government will be made or accepted from the travel allowances due a student for travel to or from camp.

§ 862.62 *Dress uniforms.* Each student, with the consent of the authorities of the institution attended by him, may bring to camp one dress uniform (including low quarter shoes) as authorized for his institution. Students will be encouraged to wear their institutional uniform during any off-duty periods in which they desire to present a particularly neat appearance.

§ 862.63 *Sale of Government property.* The sale of Government property by the Military Establishment to Air Reserve Officers' Training Corps students is not authorized.

§ 862.64 *Transportation.*—(a) *Authority.* (1) Students will normally be authorized to proceed to designated camps from their institutions, or from their legal residences where the distances from such residences to the camps do not exceed the distances from their institutions to the camps, and to return thereto, by the shortest usually traveled route.

(2) Under exceptional circumstances, air force commanders may

(i) Authorize a student to proceed to the camp designated for his unit from his legal residence when the distance from such residence to the camp is greater than from the institution to the camp. This authorization will be given only to students whose institutions close so early in the year as to make it impracticable for them to proceed direct from the institution to the camp.

(ii) In the interest of economy, authorize a student to attend an Air Reserve Officers' Training Corps camp other than the camp prescribed for his unit. If the camp to be attended is beyond the territorial limits of the air force in which the institution of the student is located, the camp attendance will be arranged by the air force commanders concerned by direct correspondence.

(b) *Travel allowances.* (1) Members of the Air Reserve Officers' Training Corps will be paid travel allowance at the rate of five cents per mile from the place from which the students are authorized to proceed to camp and for return travel thereto. Payment of the travel allowance for the return journey may be made in advance of the actual performance thereof.

(2) Return travel allowance is not due a student until the close of camp. The commanding officer will pay travel allowances to a student upon dismissal or withdrawal if determined by him that such advanced payment is proper and desirable for the good of the service. However, the commanding officer is authorized to withhold travel allowances until the termination of the camp if he determines such course advisable and if the student is not present at the close of the camp to refuse payment thereof.

(3) The shortest usually traveled route will be the basis of calculation for travel allowances.

(c) *Students without funds.* Students unable to pay their own railroad fare may be authorized transportation in kind by air force commanders, in which case orders issued will specifically state that transportation requests and meal tickets will be furnished. Transportation request and meal tickets will be forwarded to the student with orders directing him to proceed to camp.

§ 862.65 *Pay.* Members of the Air Reserve Officers' Training Corps or other persons authorized by the Secretary of the Air Force to attend advanced camps shall be paid for attendance at such camps at the rate prescribed for enlisted men of the seventh grade of the Regular Army with less than three years of service.

§ 862.66 *Laundry and dry cleaning service.* All students will be furnished laundry and dry cleaning services under the same conditions as for enlisted men of the Air Force.

[SEAL]

- L. L. JUDGE,  
Colonel, U. S. Air Force,  
Air Adjutant General.

[F. R. Doc. 48-10703; Filed, Dec. 8, 1948;  
8:46 a. m.]

## TITLE 42—PUBLIC HEALTH

Chapter I—Public Health Service,  
Federal Security Agency

## PART 21—COMMISSIONED OFFICERS

## FOREIGN SERVICE ALLOWANCE

1. Effective December 1, 1948, Appendix A (13 F. R. 6268) is revised to read as follows:

FOREIGN SERVICE ALLOWANCE RATES  
OFFICERS  
Class I

Station			Travel
Subsistence	Quarters	Total	
None	None	None	\$7.00

NOTE: The above allowances are applicable to all countries and places outside the continental United States not otherwise listed hereon.

FOREIGN SERVICE ALLOWANCE RATES—Continued  
OFFICERS—continued

## Class II

Station			Travel
Subsistence	Quarters	Total	
\$2.55	\$2.50	\$5.05	\$3.00

Czechoslovakia. Island of Cyprus.  
Colombia (except Bogota).

## Class III

\$2.55	\$3.75	\$6.30	\$9.00
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Hungary. China (including Hong Kong).

## Class IV

\$3.00	\$0.75	\$3.75	\$7.00
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Cuba (except Havana). Brazil (except Rio de Janeiro, Sao Paulo and Recife).  
Belgium. Costa Rica. Guatemala. Nicaragua. Chile (except Punta Arenas). Paraguay. Ecuador. Honduras. El Salvador. Dominican Republic. Surinam. Bolivia. Morocco. Peru.

## Class V

\$3.00	\$1.00	\$4.00	\$7.00
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Afghanistan. Liberia (except Monrovia).  
Algeria. Alaska. Netherlands. Bermuda. Norway. Denmark. Uruguay. Ethiopia. Spain. Finland. Sweden. Recife, Brazil. Tunisia. Irish Free State. Trieste (free city of). Italy (except Rome and Naples). Union of South Africa.

## Class VI

\$3.75	\$0.75	\$4.50	\$7.25
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Burma (except Rangoon).

## Class VII

\$3.75	\$1.00	\$4.75	\$8.00
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Portugal. Great Britain and Northern Ireland (except London).

## Class VIII

\$3.75	\$1.50	\$5.25	\$9.00
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Ceylon. India.  
Egypt (except Cairo). Siam.  
Mexico City. Pakistan (except Karachi).  
French Indo-China.

## Class IX

\$3.75	\$2.00	\$5.75	\$9.00
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Bogota, Colombia.

## Class X

\$3.75	\$3.00	\$6.75	\$10.00
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Cairo, Egypt. Philippine Islands.  
Switzerland.

## Class XI

\$3.75	\$4.00	\$7.75	\$11.00
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Bulgaria. Netherlands, East Indies.

## Class XII

\$4.50	\$1.50	\$6.00	\$9.00
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Havana, Cuba. Monrovia, Liberia.  
Syria.

FOREIGN SERVICE ALLOWANCE RATES—Con.  
OFFICERS—continued  
Class XIII

Station			Travel
Subsistence	Quarters	Total	
\$5.25	\$1.75	\$7.00	\$10.00

Iraq. Rome, Italy.  
Naples, Italy.

## Class XIV

\$6.00	\$1.50	\$7.50	\$10.00
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Republic of Lebanon. Turkey.  
Rangoon, Burma. Malayan Union.  
Singapore. Karachi, Pakistan.

## Class XV

\$7.50	\$3.50	\$11.00	\$15.00
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None.

## Class XVI

\$6.00	\$3.00	\$9.00	\$12.00
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Iceland. Rumania.  
Yugoslavia.

## Class XVII

None	\$1.75	\$1.75	\$7.00
------	--------	--------	--------

Australia. New Zealand.

## Class XVIII

\$3.00	None	\$3.00	\$7.00
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France (except Paris and Saudi, Arabia.  
Orly Field).

## Class XXIV

\$4.50	\$0.50	\$5.00	\$10.00
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Paris and Orly Field, France.

## Class XX

\$3.75	\$2.00	\$5.75	\$10.00
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London, England.

## Special Classification

\$7.00	\$6.00	\$13.00	\$15.00
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Palestina. State of Israel.  
Trans Jordan.

NOTE: Effective as of June 1, 1948. Maximum travel allowance is payable without regard to length of time as long as in a travel status. (See § 21.356 (f)).

\$9.00	\$5.00	\$14.00	\$18.00
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Union of Soviet Socialist Republics.

\$4.50	\$2.50	\$7.00	\$7.00
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Wake Island. Canton Island.

\$8.25	\$3.75	\$12.00	\$12.00
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Greece (personnel not in receipt of diplomatic exchange rate).

NOTE: Greece (personnel in receipt of diplomatic exchange rate, allowances prescribed in class I applicable.)

\$5.25	\$3.75	\$9.00	\$9.00
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Punta Arenas, Chile.

FOREIGN SERVICE ALLOWANCE RATES—Con.  
OFFICERS—continued  
Special Classification—Continued

Station			Travel
Subsistence	Quarters	Total	
\$3.75	\$3.25	\$10.00	\$11.00

Poland (personnel not in receipt of diplomatic exchange rate).

NOTE: Poland (personnel in receipt of diplomatic exchange rate, allowances prescribed in class I applicable).

\$3.75	\$3.25	\$7.00	\$7.00
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Bahrain Island, Persian Gulf.

\$3.75	\$4.75	\$3.50	\$3.50
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Rio de Janeiro, Brazil. Argentina.  
Sao Paulo, Brazil.

\$3.75	\$5.25	\$12.00	\$15.00
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Venezuela.

2. Effective December 1, 1948, §§ 21.357, 21.358, and 21.359 are redesignated §§ 21.358, 21.359, and 21.360, respectively.

3. Effective December 1, 1948, the following section, to be numbered § 21.357, is added to this part:

§ 21.357 *Special travel and station allowances.* Notwithstanding any other provision contained herein the Surgeon General with the approval of the Administrator may authorize special travel and station allowances for personnel assigned to the following types of duty:

(a) Activities of the United Nations, its specialized agencies, and other governmental international organizations.

(b) International conferences, including assignments connected with International Affairs and activities of non-governmental international professional organizations.

(c) Quasi-diplomatic conferences or meetings.

(d) Aides to Committees of the United States Congress.

(e) Missions, Commissions, Advisory Groups, and Advisors to Foreign Governments.

The allowances so authorized shall conform to the allowances authorized for all the services for each class of assignment, and when such allowance is authorized the instructions contained in the specific travel authorization will govern.

(Sec. 12, 56 Stat. 364, 60 Stat. 858; 37 U. S. C. 112; Part II, E. O. 9871, July 8, 1947, 12 F. R. 4531)

Dated: December 1, 1948.

R. E. DYER,  
Acting Surgeon General.

Approved: December 3, 1948.

OSCAR R. EWING,  
Federal Security Administrator.

[F. R. Doc. 48-10720; Filed, Dec. 8, 1948; 8:50 a. m.]

TITLE 44—PUBLIC PROPERTY  
AND WORKS

Chapter V—Government Printing  
Office

DISCONTINUANCE OF CODIFICATION

EDITORIAL NOTE: In order to conform Title 44 to the scope and style of the Code of Federal Regulations, 1949 Edition, authorized and directed by Executive Order 9930 of February 4, 1948 (13 F. R. 519) the codification of Chapter V of that title is hereby discontinued. Future amendments of the statement of organization of the Government Printing Office will be published in the Notices section of the FEDERAL REGISTER.

TITLE 49—TRANSPORTATION  
AND RAILROADS

Chapter I—Interstate Commerce  
Commission

PART 14—UNIFORM SYSTEM OF ACCOUNTS  
FOR ELECTRIC RAILWAYS

OPERATION OF STEAM LOCOMOTIVES

At a session of the Interstate Commerce Commission, Division 1, held at its office in Washington, D. C., on the 29th day of November A. D. 1948.

The matter of the "Uniform System of Accounts for Electric Railways, Issue of 1947," being under consideration by the division pursuant to the provisions of section 20 of the Interstate Commerce Act as amended, and the modifications thereof which are attached hereto and made a part hereof being deemed necessary for proper administration of Part I of the act (54 Stat. 917, 49 U. S. C. 20 (3)). It is ordered, that:

(1) *Objections may be filed.* Any interested party may on or before December 31, 1948, file with the Commission a written statement of reasons why the said modifications should not become effective as hereinafter ordered and may request oral argument thereon.

(2) *Effective date.* Unless otherwise ordered after consideration of such objections, the said modifications shall become effective January 1, 1949.

(3) *Notice.* A copy of this order and the attached modifications shall be served upon every carrier by railroad independently operated as an electric line subject to the act, and upon every trustee, receiver, executor, administrator, or assignee of any such carrier, and notice of this order shall be given to the general public by depositing a copy thereof in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director of the Division of the Federal Register.

By the Commission, Division 1.

[SEAL]

W. P. BARTEL,  
Secretary.

In § 14.75 *Operation of steam locomotives*, cancel the title, text, and note

of this account and substitute the following for it:

§ 14.75 *Operation of locomotives.* This account shall include the cost of operating locomotives which do not derive power from trolley line or contact rail, such as those driven by steam,

diesel-electric, diesel-mechanical, gasoline, or storage battery power. The operating costs shall include the wages of engineers and firemen or oilers, as well as the cost of fuel, water, lubricants, and other supplies and expenses incident to such operations. Repairs to the locomotives are not to be considered operat-

ing costs, as they are chargeable to maintenance account 34, "Locomotives." (See § 14.01-7 *Subprimary accounts for steam railway operations, water line operations, and motor carrier operations.*)

[F. R. Doc. 48-10714; Filed, Dec. 8, 1948; 8:48 a. m.]

## NOTICES

### NATIONAL MILITARY ESTABLISHMENT

#### Department of the Army

#### GERMAN COAL AND IRON AND STEEL INDUSTRIES

#### REORGANIZATION

The regulations of the Military Government for Germany (U. S.), Part 3, are amended by the addition of a new section 3.115, setting forth law No. 75, as follows:

SEC. 3.115 *Law No. 75, reorganization of German coal and iron and steel industries.* Whereas it is the policy of Military Government to decentralize the German economy for the purpose of eliminating excessive concentration of economic power and preventing the development of a war potential

Whereas Military Government has decided that the question of the eventual ownership of the coal and iron and steel industries should be left to the determination of a representative, freely elected German Government

Whereas Military Government has decided that it will not allow the restoration of a pattern of ownership in these industries which would constitute excessive concentration of economic power and will not permit the return to positions of ownership and control of those persons who have been found or may be found to have furthered the aggressive designs of the National Socialist Party

Whereas it is expedient that these industries should forthwith be reorganized with a view to the promotion of the recovery of the German economy

Whereas the Military Governors and Commanders-in-Chief of the United States and British Zones have agreed on the measures to be taken in their respective Zones for these purposes; and

Whereas the Military Governor and Commander-in-Chief of the British Zone is promulgating Law No. 75 in order to give effect to this agreement, it is therefore ordered:

(a) *Article. I, decartilization.* (1) The enterprises enumerated in paragraph (n) of this section are hereby declared to be excessive concentrations of economic power or otherwise deemed objectionable and therefore subject to reorganization within the purview of Military Government Law No. 56, Prohibition of Excessive Concentration of German economic Power (see section 3.31) The controlling companies in each of these enterprises shall be put into liquidation forthwith and a liquidator appointed, or

current liquidation proceedings confirmed, as the case may be.

(2) The title to assets located in the U. S. Zone owned or controlled by undertakings listed in paragraph (o) of this section is hereby declared to be subject to seizure by Military Government. Pending a determination on their seizure, these assets, if not already under such control, are hereby placed under control pursuant to the provisions of Military Government Law No. 52 (see section 3.15) The functions of exercising the powers of control over such assets as provided in Law No. 52 are hereby vested in the U. K./U. S. Coal Control Group.

(b) *Article II, reorganization of the coal industry.* (1) The title to assets located in the U. S. Zone and owned or controlled by undertakings possessing colliery assets as defined in paragraph (1) of this section is hereby declared to be subject to seizure by Military Government seizure of such assets shall be effected by nomination by Military Government on its designated agency whereupon the assets so seized shall be transferred by Military Government and title thereto vested in companies which shall be formed for the purpose under German Law. These companies shall be formed by and shall have for their shareholders such persons of German nationality as may be designated by or under the authority of Military Government after consultation with appropriate German bodies. The persons thus designated shall be known as trustees and shall hold the shares allotted to them in the companies on behalf of the owners of the collieries and associated undertakings affected by this article in accordance with instructions issued by Military Government.

(2) Pending a determination on their seizure the assets described in subparagraph (1) above, if not already so subject, are hereby made subject to the provisions of Military Government Law No. 52. The function of exercising the powers of control provided by Military Government Law No. 52 over such assets is hereby vested in the U. K./U. S. Coal Control Group. On completion of the transfer of the title of colliery assets to a new company, as provided for in paragraph (a) (2) of this section, such assets shall cease to be subject to the provisions of Military Government Law No. 52. The remaining assets of enterprises having colliery assets shall, in the case of enterprises not enumerated in paragraphs (n) or (o) of this section, cease to be subject to the provisions of Military Government Law No. 52 and shall, in the case of enterprises enumerated in para-

graph (n) of this section, be transferred to the liquidator referred in paragraph (a) of this section, who shall dispose of them in accordance with orders of Military Government.

(3) The Deutsche Kohlenbergbau-Leitung shall be reorganized as an Aktiengesellschaft with the Deutscher Kohlen Verkauf and Bergbaubedarf Beschaffungsmittel Zentrale as subsidiary companies. The Aufsichtsrat of the reorganized Deutsche Kohlenbergbau-Leitung shall be selected from the Trustees mentioned in subparagraph (1) above and as provided for in paragraph (d) of this section.

(4) Military Government will provide by regulation for:

(1) The rules governing the formation of companies pursuant to subparagraph (1) above, the allocation of assets to such companies, the number of trustees, their powers and duties, their relationship to Military Government, to German agencies, to the companies referred to in subparagraph (3) above, and to the previous owners of the affected undertakings;

(2) The organization and functions of the companies referred to in subparagraph (3) above, their relationship to Military Government, to German agencies and to the companies to be formed under subparagraph (1) above.

(c) *Article III, reorganization of the iron and steel industry.* (1) The title to assets located in the U. S. Zone, owned or controlled by undertakings listed in paragraph (n) of this section and not affected by paragraph (b) of this section and title to the assets owned or controlled by Roehling-Buderus AG and Buderussche Eisenwerke-Wetzlar, are hereby declared to be subject to seizure by Military Government. Pending a determination on their seizure, the assets described in this subparagraph, if not already under such control, are hereby placed under control pursuant to the provisions of Law No. 52. The function of exercising the powers of control over such assets, as provided in Law No. 52, is hereby vested in the U. K./U. S. Steel Group.

(2) A Steel Trustee Association consisting of German nationals shall be established for the purpose of assisting in decentralizing and reorganizing the iron and steel industry. The members of the Association shall be appointed by or under the authority of Military Government, after consultation with the appropriate German bodies.

(3) Title to the assets declared subject to seizure by subparagraph (1) of this paragraph will, upon notice, be seized by

Military Government and, upon seizure, shall be transferred to and vested in the Steel Trustee Association or the new companies provided for in subparagraph (4) of this paragraph.

(4) The Steel Trustee Association shall as soon as possible submit for the approval of Military Government plans for the further reorganization of the Iron and Steel Industry. The plans shall provide for the formation of new companies (hereinafter referred to as unit companies) to which shall be transferred assets seized as provided in subparagraph (2) of this paragraph and may provide for the merger or amalgamation of such assets and for the absorption of additional assets which may include assets outside the field of the Iron and Steel Industry.

(5) On the approval of the plan for each unit company, with such notifications as Military Government may direct, the title to the assets affected shall be transferred to and vested in the new unit company which shall have as its shareholders such persons of German nationality as may be designated by or under the authority of Military Government, after consultation with appropriate German bodies. The persons thus designated shall be known as Trustees and shall hold, in accordance with regulations or orders issued by Military Government, the shares allotted to them on behalf of the owners of the iron and steel undertakings affected by this paragraph.

(6) On completion of the transfer of the title to assets to a unit company, such assets shall cease to be subject to the provisions of Military Government Law No. 52. The remaining assets of the enterprises brought under control by subparagraph (1) of this paragraph shall, in the case of enterprises not enumerated in paragraph (n) or (o) of this section, cease to be subject to the provisions of Military Government Law No. 52 and shall, in the case of enterprises enumerated in paragraph (n) of this section, be transferred to the liquidator referred to in paragraph (a) of this section who shall dispose of them in accordance with the orders of Military Government.

(7) Military Government will provide by regulation for:

(i) The organization and functions of the Steel Trustee Association, its powers and duties, its relationship to Military Government, to German agencies and to the German Iron and Steel Industry, both before and after the formation of unit companies;

(ii) The rules governing the number of unit companies to be formed, the allocation of assets to such companies, the number of Trustees, their powers and duties, their relationship to Military Government, to German agencies, to the Steel Trustee Association and to the previous owners of the affected undertakings.

(d) *Article IV United Nations interests.* (1) Except for those enterprises enumerated in paragraph (n) of this section, as subject to reorganization within the purview of Military Government Law No. 56, enterprises, the share capital of which before September 1,

1939, was owned to the extent of more than 50 per cent by United Nations nationals, shall not be subject to the provisions of paragraphs (b) and (c) of this section. Provisions shall, however, be made by regulation for the representation of such enterprises on the Aufsichtsrat of the reorganized Deutsche Kohlenbergbau-Leitung.

(2) United Nations interests in the Coal and Iron and Steel Industries acquired before September 1, 1939, may be represented by persons holding powers of attorney for the owners.

(3) The provisions of this paragraph shall not in any way limit or affect the powers of the U. K./U. S. Coal Control Group or the Deutsche Kohlenbergbau-Leitung, in its present or future form, over production and distribution in the Coal Industry.

(e) *Article V; liabilities.* (1) Assets, the title to which is seized and transferred under the provisions of paragraphs (b) and (c) of this section, are hereby declared to be free and clear of all charges and encumbrances.

(2) The proceeds which may become available from the eventual sale of shares in companies formed under paragraphs (b) and (c) of this section, shall be made over to the undertakings, the assets of which have been transferred, or their successors in interest, or liquidators, in proportion to the value of the transferred assets, and shall be available for the satisfaction of creditors in accordance with their original rights under the provisions of German law, provided that Military Government may order priorities for the satisfaction of debts arising during the period of Military Government control.

(f) *Article VI, former Reich and Prussian State interests.* (1) Enterprises and holdings of the former Reich or Prussian State shall be subject to the provisions of this law. Interests of the former Reich or Prussian State in companies formed pursuant to this law shall be represented by the Trustees referred to in paragraphs (b) and (c) of this section and shall be dealt with in accordance with the provisions of such regulations and orders as may be issued under paragraph (k) of this section or other relevant legislation.

(g) *Article VII, amendments and repeals.* (1) Insofar as the provisions of Military Government Law No. 52 or 56 are inconsistent with the provisions of this law, this law shall prevail.

(2) This law, and all regulations and orders issued thereunder, shall prevail over provisions of German law inconsistent therewith.

(h) *Article VIII, tax provisions.* (1) Taxes and other duties shall not be imposed in connection with any transfer pursuant to paragraphs (b) and (c) of this section, nor shall any taxes or other duties be imposed in connection with the formation of new companies as provided herein.

(2) The vesting in Trustees of ownership interests in the companies formed pursuant to paragraphs (b) and (c) of this section shall not affect the computation of the tax liabilities of such companies. The assessment of all taxes on such companies shall be according to the principles of German tax law which

would be applicable to them in the absence of trustees.

(i) *Article IX, attestation.* The appropriate German authority shall register transfers made pursuant to this law without any attestation upon presentation by Military Government of a certified list of the assets to be transferred.

(j) *Article X, penalties.* Any person violating or evading or attempting to violate or evade or procuring the violation of any provision of this law or of any regulation or order issued thereunder shall, upon conviction, be liable to a fine of not more than DM 200,000 or to imprisonment for not more than five years or both.

(k) *Article XI, regulations.* Military Government may from time to time issue regulations and orders in implementation or amplification of this law.

(l) *Article XII; definitions.* For the purpose of this law and any regulation or order issued thereunder:

(1) "Colliery assets" shall mean assets located on or physically connected with a colliery or economically essential to the operation thereof and include the following properties and interests of the coal mining industry:

(i) Coal mines and unworked coal. "Coal" includes steinkohle, pechkohle and braunkohle, together with such other minerals as are normally mined by colliery undertakings in association with the foregoing. "Mine" includes quarry, opencast, drift and deep mine workings and borings associated therewith.

(ii) Fixed and movable property used for colliery activities and the following ancillary activities: coal carbonization, coal products, distillation processes allied with colliery activities and processes associated with briquetting plants, manufactured fuels, hydrogenation plants, synthetic plants, nitrogen and ammonia plants, plants for the provision of gas to gas grids, brick, tile and similar works and property used for the supply of water from or to a coal mine.

(iii) Property used for generating and transmitting electricity, consumed exclusively or mainly in the course of colliery and ancillary activities.

(iv) Railways, aerial ropeways, canal waterways and other fixed and movable property used exclusively or mainly for inland or water transport, loading, discharging, handling or storing of products of colliery and ancillary activities, or articles required for colliery or electricity activities and ancillary activities, when such equipment is used exclusively for internal transport within the area of a colliery.

(v) Fixed and movable property of the colliery undertaking used exclusively or mainly for the purposes of the sale or supply by colliery concerns of products of colliery and ancillary activities.

(vi) Fixed and movable property of the colliery undertaking used for such welfare activities as hospitals, baths, canteens or for the provision of benefits for the staff employed in colliery and ancillary activities.

(vii) Patents in respect of inventions relating to processes applied in the course of colliery and ancillary activities or to production in connection with these activities and trade marks used or in-

tended for use in relation to such production.

(viii) Stocks of products of colliery and ancillary activities.

(ix) Consumable or spare stores available for use for colliery and ancillary activities.

(x) Interests of colliery undertakings in dwelling houses and land used to provide housing accommodation for the workpeople and staff employed in colliery and ancillary activities.

(xi) Interests of colliery undertakings in forests, farms, farming stock and other agricultural property, and all land owned by colliery undertakings, including land to be used for the enlargement of surface installations and similar activities.

(xii) Interests of colliery undertakings in technical organizations, all organizations engaged in research for the colliery industry and ancillary activities, testing stations designed to secure safety in mines and in allied activities, and schools and institutes engaged in training for the mining and ancillary activities.

(xiv) Liquid assets, including accounts receivable and cash in hand which are attributable to the operation of the assets specified herein.

(2) "Coal carbonization and coal products distillation processes" shall mean the distillation of coal by any process, and the treatment, rendering and distillation of saleable products arising from the distillation of coal.

(3) "Electricity property" shall mean power stations, transformers, transmission lines and other fixed and movable property used in connection with the generation or transmission of electricity.

(4) "Fixed property" shall mean all buildings, works, fixtures and fixed machinery and plant and the sites thereof.

(5) "Movable property" shall mean all movable machinery and plant, wagons and other vehicles, engines, tractors, vessels, animals and movable equipment of any kind.

(6) "Undertakings" shall mean enterprises of any nature whatsoever.

(m) *Article XIII, effective date.* This law shall become effective in the Laender of Bavaria, Hesse, Wuerttemberg-Baden and Bremen on November 10, 1948. By order of Military Government.

(n) *Schedule A to U. S. Military Government Law No. 75, enterprises declared to be excessive concentrations of economic power or otherwise deemed objectionable and therefore subject to reorganization within the purview of Military Government Law No. 56, Prohibition of Excessive Concentration of German Economic Power*

(1) Vereinigte Stahlwerke Aktiengesellschaft.

(2) Fried. Krupp.

(3) Mannesmannroehren-Werke.

(4) Kloeckner-Werke Aktiengesellschaft, Kloeckner & Co.

(5) Hoesch Aktiengesellschaft.

(6) Otto Wolf.

(7) Gutehoffnungshuette Aktienverein fuer Bergbau und Huetttenbetrieb. Gutehoffnungshuette Oberhausen Aktiengesellschaft.

(8) Iseder Huette.

(9) Reichswerke Complex.

(10) Flick Complex.

(11) Thyssen-Bornemisza Group.

(12) Stinnes Complex.

(13) Rheinisch Westfaelisches Kohlen-Syndicat.

(14) Niedersaechsisches Kohlensyndikat Gesellschaft mit beschaenkteter Haftung.

(15) Rheinisches Braunkohlen-Syndikat Gesellschaft mit beschaenkteter Haftung.

(16) Westfaelische Kohlenhaendelsges. Gastrock & Co.

(17) Kohlenhandelsgesellschaft "Hansa" Kallmeier & Co.

(18) Kohlenhandelsgesellschaft "Mark" Slepman, Schrader & Co.

(19) Westfaelisches Kohlenkontor Naht, Emschermann & Co.

(20) Kohlenhandelsgesellschaft "Niederrhein" Weyer, Franke & Co.

(21) Kohlenhandelsgesellschaft "Westfalia" Wiesebrack, Schulte & Co.

(22) Kohlenhandelsgesellschaft "Glueckauf" Abt. Beck & Co.

(23) Deutsche Kohlenhandelsgesellschaft Lueders, Meentzen & Co.

(24) Kohlenkontor Weyhenmeyer & Co.

(25) Westfaelische Kohlenverkaufsgesellschaft Vollrath, Weck & Co.

(26) Kohlenwertstoff A. G.

(o) *Schedule B to U. S. Military Government Law No. 75, enterprises declared to be subject to seizure by Military Government, the assets of which are placed under control pursuant to Military Government Law No. 52.*

(1) Vereinigte Elektrizitaets- und Bergwerks-A. G.

(2) Rheinisch-Westfaelisches Elektrizitaetswerk A. G.

(3) Vereinigte Elektrizitaetswerke Westfalen A. G.

(4) Vereinigte Industrieunternehmen A. G.

(R. S. 161, 5 U. S. C. 22)

[SEAL] EDWARD F. WITSELL,  
Major General,  
The Adjutant General.

[F. R. Doc. 48-10719; Filed, Dec. 8, 1948; 8:49 a. m.]

## FEDERAL POWER COMMISSION

[Docket No. E-6176]

COMMUNITY PUBLIC SERVICE CO.

NOTICE OF ORDER AUTHORIZING AND APPROVING ISSUANCE AND RENEWAL OF PROMISSORY NOTES

DECEMBER 3, 1948.

Notice is hereby given that, on December 2, 1948, the Federal Power Commission issued its order entered November 30, 1948, authorizing and approving issuance and renewal of promissory notes in the above entitled matter.

[SEAL] LEON M. FUQUAY,  
Secretary.

[F. R. Doc. 48-10699; Filed, Dec. 8, 1948; 8:46 a. m.]

[Docket No. E-6182]

GULF STATES UTILITIES CO.

NOTICE OF APPLICATION

DECEMBER 2, 1948.

Notice is hereby given that on December 2, 1948, an application was filed with the Federal Power Commission, pursuant to Section 204 of the Federal Power Act by Gulf States Utilities Company, a corporation organized under the laws of

the State of Texas and doing business in the States of Louisiana and Texas with its principal business office at Beaumont, Texas, seeking an order authorizing the issuance of \$15,000,000 face value -----% Debentures to be dated as of January 1, 1949, to be issued on or about January 20, 1949, and to mature January 1, 1969, and the issuance of an unspecified number of shares of common stock to be issued on or about January 18, 1949, each share having the privilege of one vote, at a price estimated to raise approximately \$4,500,000 before payment of expenses of issuance. The Applicant states that it proposes to issue and sell both the Debentures and common stock at competitive bidding. The interest rate of the Debentures, the rate of dividends for the common stock and the number of shares of common stock to be issued will be supplied by Applicant at a later date; all as more fully appears in the application on file with the Commission.

Any person desiring to be heard, or to make any protest with reference to said application should, on or before the 24th day of December 1948, file with the Federal Power Commission, Washington 25, D. C., a petition or protest in accordance with the Commission's rules of practice and procedure.

[SEAL] LEON M. FUQUAY,  
Secretary.

[F. R. Doc. 48-10702; Filed, Dec. 8, 1948; 8:46 a. m.]

[Docket No. G-1131]

NORTHERN NATURAL GAS CO.

NOTICE OF FINDINGS AND ORDER ISSUING CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY

DECEMBER 3, 1948.

Notice is hereby given that, on December 2, 1948, the Federal Power Commission issued its order entered November 30, 1948, issuing a certificate of public convenience and necessity in the above entitled matter.

[SEAL] LEON M. FUQUAY,  
Secretary.

[F. R. Doc. 48-10698; Filed, Dec. 8, 1948; 8:46 a. m.]

[Projects Nos. 1950, 1978]

ELECTRIC POWER CO. OF NEW JERSEY, INC.

NOTICE OF ORDER DISSOLVING STAY AND RESCINDING ORDER FIXING HEARING

DECEMBER 3, 1948.

Notice is hereby given that, on December 2, 1948, the Federal Power Commission issued its order entered November 30, 1948, dissolving the stay of the order dismissing applications and rescinding order fixing hearing, in the above entitled matters.

[SEAL] LEON M. FUQUAY,  
Secretary.

[F. R. Doc. 48-10701; Filed, Dec. 8, 1948; 8:46 a. m.]



[Project No. 1983]

CITY OF HOLYOKE GAS & ELECTRIC  
DEPARTMENTNOTICE OF ORDER CONSENTING TO  
WITHDRAWAL OF APPLICATION

DECEMBER 3, 1948.

Notice is hereby given that, on December 2, 1948, the Federal Power Commission issued its order entered November 30, 1948, consenting to withdrawal of application for preliminary permit in the above entitled matter.

[SEAL]

LEON M. FUQUAY,  
Secretary.[F. R. Doc. 48-10700; Filed, Dec. 8, 1948;  
8:46 a. m.]SECURITIES AND EXCHANGE  
COMMISSION

[File Nos. 54-127, 59-3, 59-12]

ELECTRIC BOND AND SHARE CO. ET AL.

ORDER GRANTING APPLICATION AND PERMIT-  
TING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 2d day of December A. D. 1948.

Electric Bond and Share Company ("Bond and Share") a registered holding company, having filed an application-declaration pursuant to the Public Utility Holding Company Act of 1935, particularly section 12 (d) thereof and Rule U-44 promulgated thereunder regarding the following transactions:

Bond and Share proposes to dispose of approximately 72,612 shares of the common stock of Carolina Power & Light Company ("Carolina") by distributing as a dividend to its stockholders 1/60 of a share of such stock for each share of Bond and Share common stock held. Such distribution is for the purpose of further compliance with the provisions of Plan II-A of Bond and Share heretofore approved by the Commission requiring the disposition by Bond and Share of all of its 428,508 shares of the common stock of Carolina, the sale of 350,000 shares of such stock having been approved by the Commission by order dated December 1, 1948.

The proposed stock dividend will be payable on December 24, 1948 to stockholders of record at the close of business on December 2, 1948. No certificates or scrip for fractional shares will be issued, but in lieu thereof, cash at the rate of \$0.50 per share will be paid on each share of common stock of Bond and Share.

Bond and Share proposes to charge to earned surplus an amount equal to the aggregate market value based on closing prices on December 2, 1948 of the shares of Carolina common stock distributed plus the aggregate amount of cash distributed in lieu of fractional shares.

Bond and Share proposes on or before December 31, 1948 to make a payment on account of its outstanding bank loan in an amount at least equal to the market value as of December 2, 1948 of the shares of common stock of Carolina which will be distributed.

Said application-declaration having been filed on November 19, 1948 and notice of said filing having been duly given in the form and manner prescribed by Rule U-23 promulgated pursuant to said act and the Commission not having received a request for hearing with respect to said application-declaration within the period specified in said notice or otherwise and not having ordered a hearing thereon; and

The Commission finding with respect to said application-declaration that the requirements of the applicable provisions of the act and the rules and regulations thereunder are satisfied and that no adverse findings are necessary thereunder, and deeming it appropriate in the public interest that said application-declaration be granted and be permitted to become effective forthwith; and further deeming it appropriate to grant the applicant-declarant's request that the order herein become effective upon the issuance thereof, and

Applicant-declarant having requested that the order of the Commission contain findings and recitations conforming to the requirements of section 1808 (f) and Supplement R of the Internal Revenue Code, as amended, and the Commission deeming it appropriate to grant such request;

It is ordered, Pursuant to Rule U-23 and the applicable provisions of the act and subject to the terms and conditions prescribed in Rule U-24 that said application-declaration be, and the same hereby is, granted and permitted to become effective forthwith.

It is further ordered and recited, That the dividend distribution by Electric Bond and Share Company on December 24, 1948 of shares of common stock of Carolina at the rate of 1/60 of a share of the common stock of Carolina for each share of Electric Bond and Share Company common stock (together with cash in lieu of fractional shares) through the transfer and distribution of such shares to common stockholders of Electric Bond and Share Company, all as authorized and permitted by this order, is necessary or appropriate to the integration or simplification of the holding company system of which Electric Bond and Share Company is a member and is necessary or appropriate to effectuate the provisions of section 11 (b) of the Public Utility Holding Company Act of 1935.

By the Commission.

[SEAL]

ORVAL L. DUBOIS,  
Secretary.[F. R. Doc. 48-10700; Filed, Dec. 8, 1948;  
8:47 a. m.]

[File Nos. 54-161, 59-20, 59-8, 54-75]

COMMONWEALTH & SOUTHERN CORP.  
(DEL.) ET AL.

## ORDER DENYING PETITIONS FOR REHEARING

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 2d day of December A. D. 1948.

In the matter of The Commonwealth & Southern Corporation (Delaware), File

No. 54-161, The Commonwealth & Southern Corporation (Delaware) respondent, File No. 59-20; The Commonwealth & Southern Corporation (Delaware) and its subsidiary companies, respondents, File No. 59-8; The Commonwealth & Southern Corporation (Delaware) File No. 54-75.

Alfred J. Snyder and Elizabeth C. Lownsbury, as common stockholders and on behalf of other common stockholders and holders of option warrants of The Commonwealth & Southern Corporation ("Commonwealth") having filed a petition on November 26, 1948, requesting rehearing by the Commission with respect to its order entered in these proceedings on November 22, 1948, wherein the Commission approved a plan and amendments thereto filed by Commonwealth pursuant to section 11 (e) of the Public Utility Holding Company Act of 1935;

Lawrence E. Brown, a holder of option warrants of Commonwealth, having filed a petition on December 1, 1948, requesting rehearing with respect to the aforesaid order of the Commission dated November 22, 1948, and joining in the aforesaid petition for rehearing filed by Alfred J. Snyder and Elizabeth C. Lownsbury insofar as that petition applies to option warrants of Commonwealth;

The Commission having duly considered the aforesaid petitions for rehearing and the grounds set forth therein, and it appearing that said petitions raise no issues of substance not previously presented to the Commission and considered in its findings and opinion (Holding Company Act Release No. 8633) accompanying the aforesaid order of November 22, 1948; and

After due consideration the Commission finding that no adequate basis has been presented for granting the petitions for rehearing;

It is ordered, That the petitions for rehearing filed by Alfred J. Snyder and Elizabeth C. Lownsbury and Lawrence E. Brown be and they hereby are in all respects denied.

By the Commission.

[SEAL]

ORVAL L. DUBOIS,  
Secretary.[F. R. Doc. 48-10705; Filed, Dec. 8, 1948;  
8:47 a. m.]

[File Nos. 59-23, 70-1277]

MIDDLE WEST CORP. ET AL.

MEMORANDUM FINDINGS, OPINION AND ORDER  
OF COMMISSION

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 2d day of December A. D. 1948.

In the matter of The Middle West Corporation, North West Utilities Company, File No. 70-1277; The Middle West Corporation, North West Utilities Company, Wisconsin Power and Light Company, File No. 59-23.

The Commission, by order dated December 31, 1947, approved a plan filed pursuant to the provisions of section 11 (e) of the Public Utility Holding Company Act of 1935 relating to the dis-

tribution by North West Utilities Company ("North West") to its stockholders of its assets, consisting of cash and common stock of Wisconsin Power and Light Company ("Wisconsin") and providing for the dissolution of North West.<sup>1</sup>

The Commission, in its order approving the plan, reserved jurisdiction over the payment of all fees and expenses incurred in connection with the consummation of the plan and the proposed transactions incident thereto. Applications have been filed requesting allowances of fees and expenses and setting forth the nature and extent of the services for which compensation was requested.

The fees requested are as follows:

	Fees	Disbursements	Total
<i>Fees and expenses of North West</i>			
Swiren, Helneman & Antonow, counsel	\$25,000	\$1,879.28	\$26,879.28
Reis & Chandler, Inc., analysts	3,500	287.24	3,787.24
<i>Fees and expenses of counsel for certain 7% preferred stockholders</i>			
Cohen, Bingham & Stone and Stephen S. Bernstein	7,500	1,289.36	8,789.36
Michael Pescatello, analyst	1,500		1,600.00
Total fees and expenses	37,500	3,455.88	40,955.88

<sup>1</sup> Counsel for the 7% preferred stockholders originally requested \$25,000 for fees, but by amendment has requested an allowance in the reduced amount.

North West has requested the approval of, and the release of jurisdiction over, the aforesaid fees and expenses. We turn now to consider whether the requests for allowances are reasonable and compensable out of the estate.

Briefly, the plan as approved provided for distribution among the stockholders of North West of all its assets, consisting of cash and 1,259,850 shares of common stock of Wisconsin, so that the holder of each share of 7% prior lien preferred stock, other than The Middle West Corporation ("Middle West") would be entitled to 11.5 shares of Wisconsin common stock and a cash dividend at the rate of \$7 per annum from December 31, 1946, to the effective date of the plan. The holder of each share of 7% preferred stock, other than Middle West, would be entitled to 10 shares of the Wisconsin common stock and a similar cash dividend. Middle West would receive the remaining shares of Wisconsin common stock and whatever cash remained after all debts of North West and all fees and expenses in connection with the plan had been paid. Thereafter North West was to be dissolved. The plan as originally filed provided for a distribution of 10.5 shares of Wisconsin common stock for each share of 7% prior lien preferred stock publicly held and was amended in accordance with the Commission's findings requiring an allocation of 11.5 shares of Wisconsin common stock in order to provide fair and equitable

treatment to the public holders of the 7% prior lien stock.

Counsel for North West has requested \$26,879.28 for fees and expenses rendered by the firm in connection with the proceedings on the plan. We have considered this request in the light of the complexities of the problems involved, the size of the estate, the work involved and the benefits conferred upon North West. In the light of all these factors, we conclude that the requested allowance for fees in the amount of \$25,000 and the reimbursement for expenses in the amount of \$1,879.28 is reasonably commensurate with the benefits conferred and we shall authorize the payment thereof. We have likewise considered the reasonableness of the fees and expenses requested by Reis & Chandler, Inc., who were employed by North West as utility analysts in connection with its plan and find that the services were necessary and that the requested fee of \$3,500 is reasonable. We shall approve the payment of this fee and the reimbursement of \$287.24 for expenses.

A group of 7% preferred stockholders of North West were represented by Cohen, Bingham & Stone, together with Stephen S. Bernstein, as counsel. Counsel entered an appearance during the course of these proceedings, actively participated on behalf of the 7% preferred stockholders of North West, and presented affirmative evidence with respect to the plan. The representatives of the 7% preferred stockholders attempted to obtain a greater participation for the 7% preferred stockholders and also raised the issue of the claims of public stockholders vis-a-vis Middle West. While counsel opposed the plan as filed by the company in an endeavor to obtain a greater allocation of Wisconsin common stock for the preferred stockholders and also opposed the plan in the District Court, after approval by this Commission, the participation by counsel for the 7% preferred stockholders provided independent representation of the publicly held 7% preferred stock with respect to their participation in the plan and as to the issue of the claim for subordination of the interest of Middle West.

Counsel for the 7% preferred stockholders had previously requested an allowance of \$25,000 for services and subsequently amended their petition, reducing this amount to \$7,500. North West states that it has no objection to the allowance in the reduced amount. In the light of the services rendered in connection with the proceedings on the plan, we find that such services were of benefit to the estate and that an allowance for fees and expenses in the amount of \$7,500 and \$1,289.36, respectively, is reasonably commensurate with the benefits conferred.

Michael Pescatello was employed as an analyst by counsel representing the 7% preferred stockholders. Pescatello has requested the payment to him of \$1,500 for services rendered on behalf of the 7% preferred stockholders. We have reviewed the record with respect to services rendered by Pescatello and are of the opinion that such services were necessary and that the amount requested is

reasonable. Accordingly, we shall authorize the payment of \$1,500 to him.

*It is therefore ordered*, That North West Utilities Company pay the fees and expenses of its counsel, Swiren, Helneman & Antonow aggregating \$26,879.28 and the fees and expenses of Reis & Chandler, Inc., aggregating \$3,787.24.

*It is further ordered*, That North West Utilities Company pay the fees and disbursements of Cohen, Bingham & Stone and Stephen S. Bernstein as counsel for certain 7% preferred stockholders, aggregating \$8,789.36 and the fee of Michael Pescatello in the amount of \$1,500.

*It is further ordered*, That the jurisdiction heretofore reserved in our Order dated December 31, 1947 with respect to the reasonableness of all fees and expenses incurred in connection with the plan and the transactions incident thereto be, and the same is, hereby released.

By the Commission.

[SEAL]

ORVAL L. DuBOIS,  
Secretary.

[F. R. Doc. 48-10710; Filed, Dec. 8, 1948; 8:48 a. m.]

[File No. 70-1970]

NEW BEDFORD GAS AND EDISON LIGHT CO.

#### ORDER GRANTING APPLICATION

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 2d day of December 1948.

New Bedford Gas and Edison Light Company ("New Bedford"), a subsidiary of New England Gas and Electric Association, a registered holding company, having filed an application, and amendments thereto, pursuant to section 6 (b) of the Public Utility Holding Company Act of 1935 for exemption from the provisions of section 6 (a) of the act of the issue and sale, pursuant to the competitive bidding requirements of Rule U-50, of \$5,000,000 principal amount of unsecured notes, due 1973, the invitation for bids specifying that the amount to be received by New Bedford for the notes shall not be less than the principal amount of the notes and not more than 102.75% of the principal amount thereof, exclusive of accrued interest, and that the interest rate shall be a multiple of  $\frac{1}{8}$  of 1%, and

New Bedford having stated that the proceeds to be derived from the sale of the notes will be used to pay bank borrowings owing to The First National Bank of Boston in the amount of \$2,500,000, and the balance thereof will be used to restore to the Plant Replacement Fund Assets account amounts borrowed for the purpose of financing extensions, additions and improvements to New Bedford's plant and property; and the issue and sale of said notes having been expressly authorized by the Department of Public Utilities of Massachusetts by order dated October 4, 1948; and

Said application having been duly filed and notice of said filing having been duly given in the form and manner prescribed by Rule U-23 promulgated pur-

<sup>1</sup> See The Middle West Corporation et al., — S. E. C. — (1947), Holding Company Act Release No. 7905.

suant to said act, and the Commission not having received a request for hearing with respect to said application within the period specified, or otherwise, and not having ordered a hearing thereon; and

The Commission finding with respect to said application that the requirements of the applicable provisions of the act and rules thereunder are satisfied and deeming it appropriate in the public interest and in the interests of investors and consumers that said application be granted:

*It is ordered*, Pursuant to Rule U-23 and the applicable provisions of said act, that the said application, as amended, be, and hereby is, granted forthwith, subject to the terms and conditions prescribed in Rule U-24 and subject to the further condition that the proposed sale of notes shall not be consummated until the results of competitive bidding shall have been made a matter of record in this proceeding and a further order shall have been entered by this Commission in the light of the record so completed, which order may contain such further terms and conditions as may then be deemed appropriate.

*It is further ordered*, That jurisdiction be, and hereby is, reserved over the payment of all legal fees and expenses to be incurred in connection with the proposed transaction.

By the Commission.

[SEAL] ORVAL L. DuBOIS,  
Secretary.

[F. R. Doc. 48-10709; Filed, Dec. 8, 1948;  
8:47 a. m.]

[File No. 70-1974]

GEORGIA POWER CO.

#### SUPPLEMENTAL ORDER RELEASING JURISDICTION AND GRANTING APPLICATION

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 1st day of December 1948.

Georgia Power Company ("Georgia") a public utility subsidiary of The Southern Company, a registered holding company and a wholly owned subsidiary of The Commonwealth & Southern Corporation, also a registered holding company, having filed an application and amendments thereto pursuant to section 6 (b) of the Public Utility Holding Company Act of 1935 (the "act") and Rule U-50 promulgated thereunder regarding the proposed issuance and sale by Georgia, pursuant to the competitive bidding requirements of Rule U-50, of \$12,000,000 principal amount of its First Mortgage Bonds, --% Series, to be dated as of December 1, 1948 and to mature in 1978; and

The Commission by order dated November 3, 1948 having granted said application as amended subject, however, to the condition, among others, that the proposed issuance and sale of bonds of Georgia should not be consummated until the results of competitive bidding for the bonds pursuant to Rule U-50

had been made a matter of record in this proceeding and a further order had been entered by this Commission in the light of the record so completed and the Commission having further reserved jurisdiction with respect to all fees and expenses of counsel to be paid in connection with the proposed transaction; and

Georgia having filed a further amendment herein setting forth the action taken to comply with the requirements of Rule U-50 and stating that, pursuant to the invitation for competitive bids, the following bids for the bonds have been received:

Group headed by--	Com- pa- rate	Price to com- pany (percent of prin- cipal amount)	An- nual cost of money
The First Boston Corp.	Per- cent	Per- cent	Per- cent
Morgan Stanley & Co.	3 3/4	101.45	3.233
Shields & Co.	3 3/4	101.412	3.235
Salomon Bros. & Hutzler	3 3/4	101.161	3.3125
Drexel & Co.	3 3/4	101.000	3.3174
Harriman Ripley & Co., Inc.	3 3/4	100.927	3.3219
Halsey, Stuart & Co. Inc.	3 3/4	100.97	3.3115

Said amendment having further stated that Georgia has accepted the bid of The First Boston Corporation, as set out above, and that said bonds will be offered for sale to the public at a price of 102.38% of the principal amount thereof plus accrued interest resulting in an underwriting spread of 0.93% of the principal amount of said bonds; and

It appearing to the Commission that the fees and expenses of counsel proposed to be paid in connection with the financing of Georgia are not unreasonable, said fees being as follows:

Counsel for the company:	
Winthrop, Stimson, Putnam & Roberts	\$10,000
Counsel for the purchasers:	
Simpson Thacher & Bartlett	7,000

The Commission having examined said amendment and having considered the record herein and finding no basis for imposing terms and conditions with respect to such matters;

*It is ordered*, That the jurisdiction heretofore reserved with respect to the matters to be determined as the result of competitive bidding in connection with the sale of said bonds under Rule U-50, be, and the same hereby is, released and that the said application of Georgia as further amended herein be, and the same hereby is, granted forthwith, subject however to the terms and conditions prescribed in Rule U-24.

*It is further ordered*, That the jurisdiction heretofore reserved with respect to the payment of fees and expenses of counsel in connection with the sale of the bonds of Georgia be, and the same hereby is, released.

By the Commission.

[SEAL] ORVAL L. DuBOIS,  
Secretary.

[F. R. Doc. 48-10704; Filed, Dec. 8, 1948;  
8:47 a. m.]

[File No. 70-1995]

#### DELAWARE POWER & LIGHT CO. AND EASTERN SHORE PUBLIC SERVICE CO. OF VIRGINIA

#### ORDER GRANTING APPLICATION AND PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 3d day of December, 1948.

Delaware Power & Light Company ("Delaware") a registered holding company, and its public utility subsidiary, Eastern Shore Public Service Company of Virginia ("Eastern Shore") having filed a joint application-declaration pursuant to the Public Utility Holding Company Act of 1935, particularly sections 6 (b) 9 (a) 12 (d) and 12 (f) thereof and Rules U-43 and U-44 promulgated thereunder, with respect to the following proposed transaction:

Eastern Shore will issue and sell, from time to time, but not later than December 31, 1950, up to \$400,000 principal amount of its 4% promissory notes due October 1, 1973, and 4,000 shares of its common stock of the par value of \$100 per share. Delaware will purchase said securities at the principal amount or par value, respectively, and upon the purchase of any notes, Delaware will purchase common stock of an aggregate par value equal to the principal amount of such notes. The proceeds from the sale of said notes and common stock are to be used to reimburse Eastern Shore's treasury for money previously expended for construction requirements, and to provide funds for future construction expenditures. The notes and stock to be acquired by Delaware will be pledged by it with the Trustee under its mortgage dated October 1, 1943 in accordance with the provisions of the indenture of mortgage.

The State Corporation Commission of Virginia having approved the proposed issue and sale of said notes and stock by Eastern Shore; and

Said joint application-declaration having been duly filed, and notice of said filing having been duly given in the form and manner prescribed by Rule U-23 promulgated pursuant to said act, and the Commission not having received a request for hearing with respect to said joint application-declaration within the period specified in said notice, or otherwise, and not having ordered a hearing thereon; and

The Commission finding that no adverse findings are necessary with respect to said joint application-declaration, and deeming it appropriate in the public interest and in the interests of investors and consumers that said joint application-declaration be granted and permitted to become effective:

*It is hereby ordered*, Pursuant to Rule U-23 and the applicable provisions of the act and subject to the terms and conditions prescribed by Rule U-24, that said joint application-declaration be, and the same hereby is, granted and permitted to become effective forthwith.

By the Commission.

[SEAL] ORVAL L. DuBOIS,  
Secretary.

[F. R. Doc. 48-10707; Filed, Dec. 8, 1948;  
8:47 a. m.]

## NOTICES

[File No. 70-2010]

EASTERN SHORE PUBLIC SERVICE CO. OF  
MARYLAND

## NOTICE REGARDING FILING

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 3d day of December 1948.

Notice is hereby given that an application has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by The Eastern Shore Public Service Company of Maryland ("Maryland") a subsidiary of Delaware Power & Light Company, a registered holding company.

Notice is further given that any interested person may, not later than December 17, 1948, at 5:30 p. m., e. s. t., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request, the nature of his interest, and the issues of fact or law raised by said application which he desires to controvert, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after December 17, 1948, said application, as filed or as amended, may be granted as provided in Rule U-23 of the rules and regulations promulgated under the act or the Commission may exempt such transaction as provided in Rule U-20 (a) and Rule U-100 thereof.

All interested persons are referred to said application which is on file in the office of this Commission for a statement of the transaction proposed which is summarized as follows:

Maryland has entered into an agreement with Edward C. Burton of Salisbury, Maryland, providing for the sale by Maryland of its gas property located in and about the city of Cambridge, in Dorchester County, Maryland, for a base purchase price of \$40,200. The assets to be sold consist principally of tanks for the storage of propane gas, equipment for for mixing such gas with air, and the distribution system located in and about the city of Cambridge. The purchase price will be paid to Maryland in annual installments of not less than \$3,000 and the unpaid balance of the purchase price will bear interest at the rate of 5% per annum. As security for the purchase price Maryland proposes to acquire from the buyer a purchase money mortgage secured by a first lien upon the property to be sold or substituted therefor.

The application states that the buyer is a native of Cambridge, and was long employed by Maryland as the manager of the said gas properties and operations in and about Cambridge.

The application further states that the proposed transaction is subject to the jurisdiction of the Public Service Commission of Maryland and that the order of such commission approving the transaction will be filed by amendment to this application.

Maryland has designated sections 9 (a) and 10 of the act as being applicable to the proposed acquisition by it of the purchase money mortgage. Maryland

believes that the proposed sale of the gas property is exempt from section 12 (d) of the act by virtue of the provisions of Rule U-44 (b) (2) promulgated thereunder.

Maryland has requested the Commission to issue its order granting the application on or before December 20, 1948, and that said order become effective forthwith.

By the Commission.

[SEAL] ORVAL L. DuBois,  
Secretary.

[F. R. Doc. 48-10708; Filed, Dec. 8, 1948;  
8:47 a. m.]

## HAMMILL &amp; Co.

## ORDER REVOKING REGISTRATION

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 2d day of December A. D. 1948.

Proceedings having been instituted, pursuant to section 15 (b) of the Securities Exchange Act of 1934, to determine whether the registration of Hammill & Company as a broker and dealer should be revoked;

A hearing having been held after appropriate notice and Hammill & Company having filed a notice of withdrawal from registration at the conclusion of such hearing;

The Commission having issued its findings and opinion on September 21, 1948, in which it found that Hammill & Company had willfully violated provisions of the Securities Act of 1933 and the Securities Exchange Act of 1934 and stated:

We find it appropriate in the public interest and consistent with our duty to protect investors to permit the firm's application to withdraw its registration to become effective on condition that Hammill will meet in full the obligations to Mrs. G. and Miss R. We further find that, if such obligations are

not met, it is necessary in the public interest to revoke the firm's registration. We shall not enter an order at this time, and we shall hold the case open to permit Hammill & Company to submit satisfactory proof, within 60 days from the date of this opinion, that it has satisfied the aforementioned obligations. If the firm submits such proof, an order will issue permitting the notice to withdraw from registration to become effective. If proof of payment is not furnished within the time indicated, an order will issue denying the application to withdraw from registration and revoking the firm's registration.

Hammill & Company not having furnished proof of payment within the 60 day period designated in the Commission's findings and opinion as set forth above, and the Commission being advised that such payment has not been made;

It is ordered, That the notice of withdrawal from registration filed by Hammill & Company be and it hereby is not permitted to become effective and that the registration of Hammill & Company as a broker and dealer be and it hereby is revoked.

By the Commission.

[SEAL] ORVAL L. DuBois,  
Secretary.

[F. R. Doc. 48-10711; Filed, Dec. 8, 1948;  
8:48 a. m.]

UNITED STATES TARIFF  
COMMISSION

[Application 332]

CALIFORNIA FRUIT GROWERS EXCHANGE  
ET AL.

APPLICATION FOR INCREASE IN DUTY

DECEMBER 6, 1948.

Application as listed below has been filed with the United States Tariff Commission for investigation under the provisions of section 336 of the Tariff Act of 1930.

Name of article	Purpose of request	Date received	Name and address of applicant
Lemons; 2½¢ per pound (par. 743). Oils, distilled or essential, not mixed or compounded with or containing alcohol: lemon; 25 percent ad valorem (par. 58).	Increase in duty....	Nov. 23, 1948	The California Fruit Growers Exchange Exchange Lemon Product Co. Mutual Orange Distributors. American Fruit Growers. Independent Citrus Growers and Shippers Association. Southern California Citrus Foods.

The application listed above is available for public inspection at the office of the Secretary, Tariff Commission Building, Eighth and E Streets NW., Washington, D. C., where it may be read and copied by persons interested.

[SEAL] SIDNEY MORGAN,  
Secretary.

[F. R. Doc. 48-10722; Filed, Dec. 8, 1948;  
8:50 a. m.]

## DEPARTMENT OF JUSTICE

## Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839, Pub. Laws 322, 671, 79th Cong., 60 Stat. 50, 925; 50 U. S. C. and Supp. App. 1, 616, E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981.

[Vesting Order 12354]

CHARLES H. BLASE

In re: Trust under deed of Charles H. Blase. File No. D-28-3797-G-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Heinrich Christian Ludewig Schnepel, Heinrich Friedrich Wilhelm Schnepel, Sophia Dorothea Rathmann and Maria Dorothea Louisa Pohlmann, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany)

2. That child or children, names unknown, of Heinrich Christian Ludewig Schnepel, of Heinrich Friedrich Wilhelm Schnepel, of Sophia Dorothea Rathmann

and of Maria Dorothea Louisa Pohlmann, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany)

3. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraphs 1 and 2 hereof, and each of them, in and to and arising out of or under that certain trust agreement dated December 9, 1923 by and between Charles H. Blase, trustor, and George L. Buist and Henry Buist, trustees, presently being administered by George L. Buist, surviving trustee, 30 Broad Street, Charleston, South Carolina,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany)

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof and child or children, names unknown, of Heinrich Christian Ludewig Schnepel, of Heinrich Friedrich Wilhelm Schnepel, of Sopina Dorothea Rathmann and of Maria Dorothea Louisa Pohlmann are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany)

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on November 15, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,  
Assistant Attorney General,  
Director Office of Alien Property.

[F. R. Doc. 48-10723; Filed, Dec. 8, 1948; 8:50 a. m.]

[Vesting Order 12366]

GEORGE MORITZ

In re: Estate of George Moritz, deceased. File No. D-28-12392; E. T. sec. 16613.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Anna Meier (nee Moritz) George Moritz and Friedrich Moritz, whose last known address was, on Sep-

tember 13, 1948, Germany, were on such date residents of Germany and nationals of a designated enemy country (Germany)

2. That the sum of \$1,792.41 was paid to the Attorney General of the United States by Richard E. Siehan, executor of the estate of George Moritz, deceased;

3. That the said sum of \$1,792.41 was accepted by the Attorney General of the United States on September 13, 1948, pursuant to the Trading With the Enemy Act, as amended;

4. That the said sum of \$1,792.41 is presently in the possession of the Attorney General of the United States and was property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which was evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany)

and it is hereby determined:

5. That to the extent that the persons named in subparagraph 1 hereof were not within a designated enemy country on September 13, 1948, the national interest of the United States required that such persons be treated as nationals of a designated enemy country (Germany) on such date.

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

This vesting order is issued nunc pro tunc to confirm the vesting of the said property by acceptance as aforesaid.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on November 15, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,  
Assistant Attorney General,  
Director Office of Alien Property.

[F. R. Doc. 48-10724; Filed, Dec. 8, 1948; 8:50 a. m.]

[Vesting Order 12407]

EDWARD LOEBELING

In re: Estate of Edward Loebeling, deceased. File No. D-28-12264; E. T. sec. 16483.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Hermann Loebeling, Hedwig Kost, Ilse Braunsdorf, Margarete Melse, Georg Loebeling, and Else Eisenberg, whose last known address was, on September 16, 1948, Germany, were on such date residents of Germany and nationals

of a designated enemy country (Germany)

2. That the sum of \$800.00 was paid to the Attorney General of the United States by the First National Bank of Belleville, Illinois, executor of the last will of Edward Loebeling, deceased;

3. That the said sum of \$800.00 was accepted by the Attorney General of the United States on September 16, 1948, pursuant to the Trading With the Enemy Act, as amended;

4. That the said sum of \$800.00 is presently in the possession of the Attorney General of the United States and was property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which was evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany)

and it is hereby determined:

5. That to the extent that the persons named in subparagraph 1 hereof were not within a designated enemy country on September 16, 1948, the national interest of the United States required that such persons be treated as nationals of a designated enemy country (Germany) on such date.

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

This vesting order is issued nunc pro tunc to confirm the vesting of the said property by acceptance as aforesaid.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on November 22, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,  
Assistant Attorney General,  
Director Office of Alien Property.

[F. R. Doc. 48-10725; Filed, Dec. 8, 1948; 8:50 a. m.]

[Vesting Order 12411]

LOTTA W. PARSONS

In re: Estate of Lotta W. Parsons, deceased. File D-28-9354; E. T. sec. 12359.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Louise Kalves and Louise Schmidt, also known as Louise Smith, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany),

2. That all right, title, interest and claim of any kind or character whatsoever of the persons named in subpara-



graph 1 hereof in and to the estate of Lotta W. Parsons, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany)

3. That such property is in the process of administration by Illinois State Trust Company, as executor and trustee under will, acting under the judicial supervision of the Probate Court of the State of Illinois, in and for the County of St. Clair;

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany)

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on November 22, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,  
Assistant Attorney General,  
Director Office of Alien Property.

[F. R. Doc. 48-10728; Filed, Dec. 8, 1948;  
8:51 a. m.]

[Vesting Order 12413]

ROBERT W REDLICH AND PIONEER TRUST  
& SAVINGS BANK

In re: Trust under agreement of Robert W Redlich, as trustor with Pioneer Trust & Savings Bank, as trustee, dated November 18, 1938, as modified September 20, 1941, and known as Trust No. 4294. File No. D-28-10583-G-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Mrs. Marie Jander, born Redlich, Karl Redlich, Walter Redlich, Heinrich Redlich, Anna Redlich, Paul Redlich and Gustav Redlich, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany)

2. That the heirs, names unknown, of Mrs. Marie Jander, born Redlich, of Karl Redlich, of Walter Redlich, of Heinrich Redlich, of Anna Redlich, of Paul Redlich and of Gustav Redlich, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany)

3. That all right, title, interest and claim of any kind or character whatso-

ever of the persons identified in subparagraphs 1 and 2 hereof, and each of them, in and to and arising out of or under that certain trust agreement between Robert W Redlich, as trustor, with Pioneer Trust and Savings Bank, as trustee, dated November 18, 1938, as modified September 20, 1941, and known as Trust No. 4294, presently being administered by the Pioneer Trust and Savings Bank, Chicago, Illinois, as trustee,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany)

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof and the heirs, names unknown, of Mrs. Marie Jander, born Redlich, of Karl Redlich, of Walter Redlich, of Heinrich Redlich, of Anna Redlich, of Paul Redlich and of Gustav Redlich, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany)

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on November 22, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,  
Assistant Attorney General,  
Director Office of Alien Property.

[F. R. Doc. 48-10727; Filed, Dec. 8, 1948;  
8:51 a. m.]

[Vesting Order 12425]

YONEZO MIYAGISHIMA

In re: Cash owned by Yonezo Miyagishima also known as Y. Miya and as Hanzaemon Shiba and as Bunkichi Miyagishima and as Ichi Shiba. F-39-6282.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Yonezo Miyagishima also known as Y. Miya and as Hanzaemon Shiba and as Bunkichi Miyagishima and as Ichi Shiba, whose last known address is Japan, is a resident of Japan and a national of a designated enemy country (Japan),

2. That the property described as follows: Cash in the sum of \$507.28, presently in the possession of the Treasury

Department of the United States in Trust Fund Account, Symbol 158915, "Deposits, Funds of Civilian Internees and Prisoners of War," and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Yonezo Miyagishima also known as Y. Miya and as Hanzaemon Shiba and as Bunkichi Miyagishima and as Ichi Shiba, the aforesaid national of a designated enemy country (Japan),

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan)

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on November 22, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,  
Assistant Attorney General,  
Director Office of Alien Property.

[F. R. Doc. 48-10728; Filed, Dec. 8, 1948;  
8:51 a. m.]

[Vesting Order 12420]

KIYOSHI SHIROYAMA

In re: Cash owned by Kiyoshi Shiroyama. F-39-5578-E-2.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Kiyoshi Shiroyama, whose last known address is Japan, is a resident of Japan and a national of a designated enemy country (Japan),

2. That the property described as follows: Cash in the sum of \$1,910.97, presently in the possession of the Treasury Department of the United States in Trust Fund Account, Symbol 158915, "Deposits, Funds of Civilian Internees and Prisoners of War," and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Kiyoshi Shiroyama, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan)

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on November 22, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,  
Assistant Attorney General,  
Director Office of Alien Property.

[F. R. Doc. 48-10729; Filed, Dec. 8, 1948;  
8:51 a. m.]

[Vesting Order 12433]

WILLIAM JOHN TOMS

In re: Stock owned by William John Toms. F-39-4660-D-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That William John Toms, whose last known address is c/o Union Trading Company, 7 Goko-Dorri, Kobe, Japan, is a resident of Japan and a national of a designated enemy country (Japan)

2. That the property described as follows: Eight (8) shares of \$1.00 par value common capital stock of Macfadden Publications, Inc., 205 East 42nd Street, New York 17, New York, a corporation organized under the laws of the State of New York, evidenced by a certificate, numbered 5240, for eight (8) shares of no par value stock, registered in the name of William John Toms, together with all declared and unpaid dividends thereon, and any and all rights to exchange the aforesaid certificate for a new certificate for shares of \$1.00 par value stock,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan)

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan)

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All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on November 22, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,  
Assistant Attorney General,  
Director Office of Alien Property.

[F. R. Doc. 48-10730; Filed, Dec. 8, 1948;  
8:51 a. m.]

[Vesting Order 12451]

ADOLF BINGEL AND HERMANN GOETTER

In re: Debt owing to Adolf Bingel, as executor under the will of Hermann Goetter, deceased and the heirs, next of kin, legatees and distributees of Hermann Goetter, deceased. F-28-799-C-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Adolf Bingel, as executor under the will of Hermann Goetter, deceased, whose last known address is Tellerstrasse 37, Braunschweig, Germany, is a resident of Germany and a national of a designated enemy country (Germany)

2. That the heirs, next of kin, legatees and distributees of Hermann Goetter, deceased, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany)

3. That the property described as follows: That certain debt or obligation of The Provident Loan Society of New York, 346 Fourth Avenue, New York 10, New York, in the amount of \$309.18 as of December 31, 1945, representing interest on certificates of contribution of The Provident Loan Society of New York, held for Adolf Bingel, as executor under the will of Hermann Goetter, deceased, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to or which is evidence of ownership or control by, Adolf Bingel, as executor under the will of Hermann Goetter, deceased, and the heirs, next of kin, legatees and distributees of Hermann Goetter, deceased, the aforesaid nationals of a designated enemy country (Germany)

and it is hereby determined:

4. That to the extent that Adolf Bingel, as executor under the will of Her-

mann Goetter, deceased, and the heirs, next of kin, legatees and distributees of Hermann Goetter, deceased, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany)

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on November 30, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,  
Assistant Attorney General,  
Director Office of Alien Property.

[F. R. Doc. 48-10731; Filed, Dec. 8, 1948;  
8:52 a. m.]

[Vesting Order 12452]

CONRAD AND MARIE BLESHOY

In re: Bank account owned by Conrad Bleshoj, also known as Conrad Bless-hurst and Marie Bleshoj, also known as Marie Blesshurst. F-28-24908-E-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Conrad Bleshoj, also known as Conrad Blesshurst and Marie Bleshoj, also known as Marie Blesshurst, each of whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany)

2. That the property described as follows: That certain debt or other obligation owing to Conrad Bleshoj, also known as Conrad Blesshurst and Marie Bleshoj, also known as Marie Blesshurst, by Harris Trust and Savings Bank, 115 W. Monroe Street, Chicago, Illinois, arising out of a saving account, account number 39641, entitled Marie Bleshoj and/or Conrad Bleshoj, maintained at the aforesaid bank, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany)

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated

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as nationals of a designated enemy country (Germany)

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on November 30, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,  
Assistant Attorney General,  
Director, Office of Alien Property.

[F. R. Doc. 48-10732; Filed, Dec. 8, 1948;  
8:52 a. m.]

[Vesting Order 12455]

ADELE JAGER

In re: Bank account owned by Adele Jager. F-28-26445-C-1, E-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Adele Jager, whose last known address is Hollenerkamp, District Wesermünde, Germany, is a resident of Germany and a national of a designated enemy country (Germany)

2. That the property described as follows: That certain debt or other obligation owing to Adele Jager, by American Trust Company, 464 California Street, San Francisco, California, arising out of a savings account, account number 6199, entitled Adele Jager, maintained with the aforesaid company, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by the aforesaid national of a designated enemy country (Germany),

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany)

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or other-

wise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on November 30, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,  
Assistant Attorney General,  
Director, Office of Alien Property.

[F. R. Doc. 48-10733; Filed, Dec. 8, 1948;  
8:52 a. m.]

[Vesting Order 12458]

ROLAND KUCHLER

In re: Bank account owned by Roland Kuchler, also known as Roland Kuechler. F-28-6813-E-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Roland Kuchler, also known as Roland Kuechler, whose last known address is Flottbeckerhausse 21, Altona, Hamburg, Germany, is a resident of Germany and a national of a designated enemy country (Germany)

2. That the property described as follows: That certain debt or other obligation of The Bank for Savings in the City of New York, 280 Fourth Avenue, New York, New York, arising out of a savings account, account number B51245, entitled Amelia Walsemann in trust for Cousin Roland Kuchler, maintained at the branch office of the aforesaid bank located at 1251 Third Avenue, New York 21, New York, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Roland Kuchler, also known as Roland Kuechler, the aforesaid national of a designated enemy country (Germany),

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany)

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on November 30, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,  
Assistant Attorney General,  
Director, Office of Alien Property.

[F. R. Doc. 48-10734; Filed, Dec. 8, 1948;  
8:52 a. m.]

[Vesting Order 12460]

HELMUTH MUELLER

In re: Bank account owned by Helmut Mueller. F-28-28036-E-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Helmut Mueller, whose last known address is Tokyo, Japan, is a resident of Japan and a national of a designated enemy country (Japan),

2. That the property described as follows: That certain debt or other obligation owing to Helmut Mueller, by Swiss Bank Corporation, New York Agency, 15 Nassau Street, New York 5, New York, arising out of a General Ruling #11 temporary account, entitled Dr. Helmut Mueller, Tokyo, Japan, maintained at the aforesaid bank, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan),

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan)

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on November 30, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,  
Assistant Attorney General,  
Director, Office of Alien Property.

[F. R. Doc. 48-10735; Filed, Dec. 8, 1948;  
8:52 a. m.]

[Vesting Order 12464]

GEORGE H. SCHOETTLE

In re: Bank accounts owned by George H. Schoettler. F-28-5201-E-1, E-2.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law after investigation, it is hereby found:

1. That George H. Schoettler, whose last known address is Aufden Wuerden 4, Syke by Bremen, Germany, is a resident of Germany and a national of a designated enemy country (Germany)

2. That the property described as follows:

(a) That certain debt or other obligation owing to George H. Schoettler by The Dollar Savings Bank, Pittsburgh, Pennsylvania, arising out of a savings account entitled George H. Schoettler, maintained at the aforesaid bank, together with any and all rights to demand, enforce and collect the same,

(b) That certain debt or other obligation owing to George H. Schoettler by Eureka Federal Savings and Loan Association, 3400 Forbes Street, Pittsburgh, Pennsylvania, arising out of an account numbered 6188, maintained with the aforesaid association, together with any and all rights to demand, enforce and collect the same,

(c) That certain debt or other obligation owing to George H. Schoettler by Eureka Federal Savings and Loan Association, 3400 Forbes Street, Pittsburgh, Pennsylvania, arising out of an account numbered 6189, maintained with the aforesaid association, together with any and all rights to demand, enforce and collect the same, and

(d) That certain debt or other obligation owing to George H. Schoettler by Eureka Federal Savings and Loan Association, 3400 Forbes Street, Pittsburgh, Pennsylvania, arising out of an account numbered 6190, maintained with the aforesaid association, together with any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, George H. Schoettler, the aforesaid national of a designated enemy country (Germany)

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany)

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated

enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on November 30, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,  
Assistant Attorney General,  
Director Office of Alien Property.

[F. R. Doc. 48-10737; Filed, Dec. 8, 1948; 8:52 a. m.]

[Vesting Order 12463]

JACOB SCHAEGLER

In re: Bank account owned by the personal representatives, heirs, next of kin, legatees and distributees of Jacob Schaedler, deceased. F-28-27551-E-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That the personal representatives, heirs, next of kin, legatees and distributees of Jacob Schaedler, deceased, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany),

2. That the property described as follows: That certain debt or other obligation owing to the personal representatives, heirs, next of kin, legatees and distributees of Jacob Schaedler, deceased, by the Commonwealth Bank, Dime Building, Detroit, Michigan, arising out of a commercial account, account numbered C 11-729, entitled Jacob Schaedler heirs, maintained at the aforesaid bank, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or account of, or owing to, or which is evidence of ownership or control by, the personal representatives, heirs, next of kin, legatees and distributees of Jacob Schaedler, deceased, the aforesaid nationals of a designated enemy country (Germany),

and it is hereby determined:

3. That to the extent that the personal representatives, heirs, next of kin, legatees and distributees of Jacob Schaedler, deceased are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany)

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on November 30, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,  
Assistant Attorney General,  
Director Office of Alien Property.

[F. R. Doc. 48-10738; Filed, Dec. 8, 1948; 8:52 a. m.]

[Vesting Order 12465]

AUGUST AND BERTHA SCHWARTAU

In re: Bank account owned by August Schwartz and Bertha Schwartz. F-28-27601-E-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That August Schwartz and Bertha Schwartz each of whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany)

2. That the property described as follows: That certain debt or other obligation owing to August Schwartz and Bertha Schwartz by Harris Trust and Savings Bank, 115 West Monroe Street, Chicago, Illinois, arising out of a savings account, account number 39640, entitled August Schwartz and/or Bertha Schwartz, maintained at the aforesaid bank, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany)

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on November 30, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,  
Assistant Attorney General,  
Director Office of Alien Property.

[F. R. Doc. 48-10738; Filed, Dec. 8, 1948; 8:52 a. m.]

